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≈LEGISLATIVE ANALYST REPORT

TO: Honorable Members of the Board of Supervisors
FROM: Gabe Cabrera, Office of the Legislative Analyst (OLA)
DATE: February 1, 2005
RE: Sports Commissions in Other Jurisdictions (File No. 041552)

SUMMARY OF REQUESTED ACTION

Motion (sponsored by Supervisor Ma) requesting the OLA to research and prepare an in-depth report on model municipalities with respect to establishing a sports commission in the City and County of San Francisco.

EXECUTIVE SUMMARY

Our office performed an expedited but thorough analysis of sports commissions in other jurisdictions. We surveyed the ten (10) largest cities in the country with a sports commission including New York City, Los Angeles, Philadelphia, San Diego, San Antonio, Detroit, San Jose, Jacksonville, Columbus and Memphis. We also surveyed other California cities with a sports commission including Stockton, Pleasanton/Livermore/Dublin/San Ramon (the Tri-Valley area) and San Bernardino.

A sports commission is any City or non-City organization characteristically designed to market a city as an attractive destination for amateur and professional sports events. Historically, local chambers of commerce conducted all marketing activities for a city. Over time, these activities became so specialized that separate chamber divisions or totally independent organizations were formed to handle them. Sports commissions are offshoots of these first marketing activities. These organizations originated in several manners throughout the country. Some were and are still associated with the local convention and visitors bureaus. Others were formed as independent nonprofit organizations (either 501c3, 501c6 or both).[1] Still others are local government agencies. Whatever the case, the primary goal of a sports commission is to capitalize on the economic and public image impacts that sports events can have on cities.

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[1] A 501c3 is a tax-exempt organization operated exclusively for one or more of the following purposes: charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition and the prevention of cruelty to children or animals. A 501c6 is also a tax-exempt organization. Among other characteristics, it must be an association of persons having some common business interest and its purpose must be to promote that common interest. It must also be a membership organization and have a meaningful extent of membership support.

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Determining whether the City needs a sports commission was beyond the scope of this analysis. However, at least four City agencies already perform some (not all) of the functions of sports commissions in other cities: 1) Recreation and Parks Department, 2) the Office of Convention Facilities Management within the Department of Administrative Services, 3) the Entertainment Commission and 4) the Economic and Workforce Development Department. These functions are described in the Current Practice section of this report.

If the City chooses to establish a sports commission, it should first attempt to answer some basic questions. For instance, what form should the sports commission take? What size should its board of directors and staff be? Should the board have an executive committee? How should the organization be funded? Decisions that other sports commissions made regarding these questions are included in the Best Practices section of this report. Alternatively, the City could endorse an existing sports commission like the recently established San Francisco Sports Council (a 501c6 organization) whose primary mission is to attract, host and support amateur and professional athletic events in San Francisco. The Legislative Analyst believes that this is a policy matter for the Board of Supervisors.

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BACKGROUND

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What sports commissions do
Apart from marketing a city as an attractive destination for amateur and professional sports events, a sports commission may also perform the following functions:

- Advertise and promote these sports events;
- Help sports event sponsors and other groups to find athletic facilities, accommodations and businesses;
- Develop a bank of volunteers from which sports event sponsors can draw;
- Produce sports events, educational exhibits and clinics in-house;
- Measure and report economic impact of sports events to its members, city officials and the community at large;
- Develop charitable and/or non-charitable sports and fitness programs for people of all ages but primarily for underprivileged youth in the area;
- Offer training programs to amateur athletes competing in local, regional, national and/or international competition; and
- Support the development and maintenance of amateur and professional athletic facilities.

Sports commissions in other jurisdictions
Table 1 shows the 10 largest cities in the country with a sports commission.

TABLE 1: Largest Cities with a Sports Commission

City	Population	Organization
New York City	8,008,278	New York City Sports Commission
Los Angeles	3,694,820	Los Angeles Sports Council
Philadelphia	1,517,550	Philadelphia Sports Congress
San Diego	1,223,400	San Diego International Sports Council
San Antonio	1,144,646	San Antonio Sports Foundation
Detroit	951,270	Detroit Metro Sports Commission
San Jose	894,943	San Jose Sports Authority
Jacksonville	735,617	Jacksonville Sports & Entertainment Board
Columbus	711,470	Greater Columbus Sports Commission
Memphis	650,100	Memphis & Shelby County Sports Authority

Table 2 shows the 7 cities in California with a sports commission.

TABLE 2: California Cities with a Sports Commission

City	Population	Organization
Los Angeles	3,694,820	Los Angeles Sports Council
San Diego	1,223,400	San Diego International Sports Council
San Jose	894,943	San Jose Sports Authority
Sacramento	407,018	Sacramento Sports Commission
Stockton	243,771	Stockton Sports Commission
Pleasanton/Livermore/Dublin/San Ramon	232,750	Tri-Valley Sports Commission
San Bernardino	196,300	San Bernardino Youth Sports Alliance

CURRENT PRACTICE

The following City agencies already perform some (not all) of the functions of sports commissions in other jurisdictions.

- Recreation and Park Department;
- Office of Convention Facilities Management within the Department of Administrative Services;
- Entertainment Commission; and
- Economic and Workforce Development Department.

Recreation and Park Department (RPD)
This department's mission is to "provide enriching recreational activities, maintain beautiful parks and preserve the environment for the well-being of our diverse community". To fulfill this mission, RPD maintains more than 200 parks, playgrounds and open spaces throughout the City, including Monster Park at Candlestick Point and Kezar Stadium. The home of the San Francisco 49ers, Monster Park is managed by the Department's Property Management Unit, which leases the facility to other groups for music concerts, soccer matches, fantasy football camps and other special events when the 49ers are not playing. Kezar Stadium is the home of the Women's American Football League's San Francisco Tsunamis, and it, too, is leased-out for special events

when the Tsunamis are not playing. Moreover, RPD runs or supports a variety of charitable and non-charitable recreational sports programs for people of all ages ranging from aerobics to yoga. The Attachment to this report contains a complete list of these programs. In FY 03-04, the number of program participants totaled approximately 4.1 million. During the same fiscal year, RPD sponsored seventeen (17) athletic leagues with 1,614 athletic teams participating. The Department's budget totaled about $124 million in FY 03-04 and about $106 million in FY 04-05. However, it is unclear how much RPD spends on the above activities because their costs are dispersed throughout Department's budget.

Office of Convention Facilities Management
The Office of Convention Facilities Management within the Department of Administrative Services is responsible for management of the City's two primary convention facilities: the Moscone Center and the Bill Graham Civic Auditorium. To accomplish this goal, the Office maintains contracts with the Moscone Center Joint Venture, which manages the operations of the Moscone Center and with the San Francisco Convention and Visitors Bureau (SFCVB), which promotes the City as an attractive destination for conventions, meetings and tradeshows. The Office's one-year contract with the SFCVB expires June 30, 2005 and is funded entirely by the City's Hotel Tax. Under the contract's terms, the maximum amount available to the SFCVB for FY 04-05 is $7,320,578.

Entertainment Commission
Established in 2002, the Entertainment Commission is responsible for planning and permitting cultural, entertainment, athletic and other events throughout the City. Its functions that may overlap with those of a sports commission include: 1) promoting the use of City facilities; 2) planning and coordinating City services for major events; and 3) providing information regarding venues and services appropriate for events and functions ancillary to conventions. The Commission's budget totaled $980,000 in FY 04-05, which is funded by a combination of permit application fees and General Fund dollars.

Economic and Workforce Development Department
This office of the Mayor became a separate City department in 2004. It has a number of mandates designed to grow the City's economy and labor force. Over its history, the Department has played a role in attracting sports events to San Francisco. These events include but are not limited to the T-Mobile International Bike Race, the X-Games, the National Basketball Association's All-Star Game Weekend, the Emerald Bowl (college football) and the Nike Marathon. The Department recently had talks with the San Jose Earthquakes (professional soccer) about relocating their team to San Francisco; however, the Earthquakes eventually chose to stay in San Jose. The Department continues to work with the San Francisco 49ers and other private companies to build a new football stadium at Candlestick Point. The Department's budget totaled $2,450,139 in FY 04-05, which is funded primarily by the City's General Fund with some expenditure recoveries and an existing fund balance.

SAN FRANCISCO SPORTS COUNCIL

Established in 2004, the San Francisco Sports Council (SFSC) is a 501c6 nonprofit organization whose mission is "to enhance the economic growth, image and quality of life in San Francisco by

actively attracting, hosting and supporting significant amateur and professional athletic events, conventions, exhibitions and related activities." To achieve this mission, the SFSC intends to:

- "Facilitate and streamline the process working with San Francisco by assisting with the coordination of critical City services;
- Serve as the liaison between the City and sports promoters and organizations, national organizing bodies and existing sporting events regarding sports and recreational activities in San Francisco;
- Work with the SFCVB to organize, fund and bid for regional, national and international amateur and professional sports and recreational events to San Francisco;
- Ensure that the appropriate marketing, organizational, administrative and volunteer support systems are in place to enhance the ultimate success of new and existing sporting events in San Francisco;
- Educate the general public regarding the importance of sports and recreational facilities in San Francisco;
- Preserve and develop sports and recreational facilities to benefit all levels of community involvement in San Francisco; and
- Serve as a strong advocate in the community at large and in the business community for the effort to build a new football stadium and a downtown multi-purpose arena."

The SFSC believes that it will improve the City's ability to attract sports events to San Francisco because its focus is exclusively on sports, while the above-mentioned City agencies have multiple and sometimes competing goals, and because it will help these agencies to coordinate their sports event-related services in an effort to make San Francisco a more sports event-friendly city. Moreover, the SFSC intends to operate a subsidiary 501c3 nonprofit foundation to support charitable sports and fitness programs for youth in the area. A Board of Directors will govern the SFSC and its foundation. An independent advisory board will counsel the Board and raise awareness and funds for the SFSC's goals and strategies. The SFSC will offer internships and volunteer opportunities in sports event management, marketing, promotions and public relations. The SFSC will hire at least 2 full-time staff within its first year of operation. The SFSC estimates that its first-year budget will total between $150,000 and $188,000. This budget is expected to grow each year thereafter as new staff is added. Both the SFSC and its foundation will be funded by a combination of membership dues, fundraising revenue, event management fees and government and foundation grants.

BEST PRACTICES

How are sports commissions organized
The three major forms of sports commissions are:

- Independent nonprofit organization (either 501c3, 501c6 or both);
- Division of local convention and visitors bureaus; and
- Local government agency.

Table 3 categorizes sports commissions surveyed by form.

TABLE 3: Sports Commissions by Form

Form	Organization
501c3	Detroit Metro Sports Commission
	Memphis and Shelby County Sports Authority
	San Antonio Sports Foundation
	San Jose Sports Authority
501c6	Greater Columbus Sports Commission
	Stockton Sports Commission
501c6 that also operates a 501c3	Los Angeles Sports Council
	San Diego International Sports Council
Local convention and visitors bureau	Philadelphia Sports Congress
	San Bernardino Youth Sports Alliance
	Tri-Valley Sports Commission
Local government agency	Jacksonville Sports and Entertainment Board
	New York City Sports Council
	Sacramento Sports Commission

Finding 1-A: A slight majority of sports commissions surveyed (8 of 14) are organized as independent nonprofit organizations.

How are sports commission governed and staffed
Table 4 shows sports commissions surveyed by board and staff size and whether they have an executive committee.

TABLE 4: Characteristics of Sports Commissions

Organization	Board Size	Staff Size	Executive Committee
Philadelphia Sports Congress	95	2	Yes
San Antonio Sports Foundation	75	15	Yes
San Diego International Sports Council	70	7	Yes
Los Angeles Sports Council	65	5	Yes
New York Sports Commission	31	6	?
San Jose Sports Authority	25	5	Yes
Stockton Sports Commission	22	1	No
Detroit Metro Sports Commission	17	4	Yes
Jacksonville Sports & Entertainment Board	9	3	No
Sacramento Sports Commission	9	7	No
Memphis & Shelby County Sports Authority	8	5	?
Greater Columbus Sports Commission	7	4	Yes
Tri-Valley Sports Commission	No board	1	No
San Bernardino Youth Sports Alliance	No board	1	No

Finding 2-A: Generally, commissions organized as 501c6 membership-based organizations have larger boards than other forms of sports commissions because they represent numerous interests.

Finding 2-B: Half of the sports commissions surveyed (7 of 14) have executive committees. For the purposes of this analysis, an executive committee is a subgroup of board members that has special powers and/or responsibilities.

<u>Finding 2-C</u>:   Staff size depends largely on the particular functions of a sports commission. That is, a commission that seeks to attract sports events, produces sports events in-house, measures and reports economic impacts requires more staff than one that only seeks to attract sports events.

How are sports commissions funded
Some of the main sources of revenue currently being used by the sports commissions include the following:

* Membership sales;
* Individual and corporate donations (cash and/or in-kind services);
* Government and foundation grants;
* Local general fund monies;
* Local tax on hotel accommodations;
* Fees generated from producing and/or managing events (from operating tournaments to hosting an annual awards banquet); and
* A combination of these revenue sources.

OTHER JURISDICTIONS

New York City Sports Commission
Established in 1986, this City agency, headed by an Executive Director, consists of members appointed by the Mayor and the Speaker of the New York City Council. Initially, the Commission's goal was to promote New York as "a positive and profitable base for professional sports teams to relocate their organizations". Over its history, the Commission partnered with the New York City Sports Development Corporation, a 501c3 nonprofit organization, to attract sports events to New York City and provide charitable sports programs for underprivileged youth in the area.

Los Angeles Sports Council
Established in 1988, this 501c6 nonprofit organization seeks to attract sports events to the greater Los Angeles area and supports the area's collegiate and professional sports teams. Its Board of Directors includes leading sports and business people in the area and the Council itself includes hundreds of individual and corporate members. The Council is funded entirely from the private sector. The affiliated but separately chartered Los Angeles Sports Council Foundation, a 501c3 organization, conducts charitable programs for underprivileged youth in the area. Over its history, the Council has brought sports events with a collective economic impact of more than $1 billion to the area, using only $6 million in administrative expenses, a ratio of better than $160 for every dollar spent.

Philadelphia Sports Congress
Established in 1987, this organization is a division of the Philadelphia Convention and Visitors Bureau (PCVB). It seeks to attract major sports events to the Philadelphia area. It also assists with site visits, sports media contacts and special event planning. It has a board of directors

(separate from the PCVB Board of Directors) composed of business and sports interests and a small professional staff.

San Diego International Sports Council
Founded as the Greater San Diego Sports Association in 1960, this 501c6 nonprofit organization reorganized as the San Diego International Sports Council in 1995 to more effectively attract national and international sports events to the San Diego/Tijuana region. The Council is headed by a Board of Directors elected by the Council's membership, which includes more than 550 businesses and professional leaders. The affiliated but separately chartered San Diego International Sports Foundation, a 501c3 nonprofit organization, supports and promotes amateur sports and amateur athletes participating in national and international competition.

San Antonio Sports Foundation
Established in 1984, this 501c3 nonprofit organization attracts sports events to San Antonio that have a positive effect on the San Antonio economy, acts as a catalyst in the development of sports and fitness programs for people of all ages and supports the development and maintenance of athletic facilities. Over its history, the organization created "Dreams for Youth" and the "Community Olympic Development Program" to provide training in 6 Olympic sports primarily for disadvantaged children. The Sports Foundation estimates that in the last two decades, its events have added over $200 million to the San Antonio economy.

Detroit Metro Sports Commission (DMSC)
Established in 2001, the DMSC is a 501c3 nonprofit organization and a subsidiary of the Detroit Metro Convention and Visitors Bureau. The DMSC markets and sells metro Detroit as a premier destination for regional, national and international amateur sports events. Specifically, the DMSC 1) serves as the primary link between amateur sports groups and metro Detroit corporations, civic groups and DMSC members, 2) matches events and sponsors with local facilities, accommodations and businesses, 3) helps amateur sports groups secure corporate sponsorships, 4) develops a bank of volunteers from which events organizers can draw, 5) arranges special events for participants, 6) builds relationships to provide media coverage, 7) measures and provides economic impact reports for the community and DMSC members and 8) provides opportunities for local youth to participate in clinics and events.

San Jose Sports Authority
Established in 1991, this 501c3 nonprofit organization serves as the sports marketing agency for the City of San Jose. Over its history, the Authority created the "REACH Youth Scholarship" program to provide college scholarships to high school student-athletes and the "Eagles at Rancho Del Pueblo Golf Course" to expose economically disadvantaged youth to the game of golf. The Authority, in collaboration with community activists, co-founded the "Greater San Jose After-School All-Stars", a chapter of a nationwide sports foundation, to provide educational, cultural and community enrichment activities for youth ages 7 to 17.

Jacksonville Economic Development Commission
Established in 1996, this City agency includes a Sports and Entertainment Division that works to infuse dollars into the local economy by attracting sporting and entertainment events to the Jacksonville area. The Sports and Entertainment Division is governed by the Sports and

Entertainment Board (SEB) that consists of members are appointed by the mayor and confirmed by the city council. The SEB also serves as an in-house event production, marketing and advertising agency for regional sporting events. The Division and the SEB are funded entirely by the City of Jacksonville's General Fund.

Greater Columbus Sports Commission
Established in 2002, this 501c6 nonprofit organization markets central Ohio as a premier destination for amateur and professional sporting events, and helps to coordinate and promote sporting events held in Columbus. A Board of Commissioners includes various businesses and sports interests and oversees the Commission's policies and funding. In addition, an Advisory Council comprised of high-profile sports and community figures is involved in sales and marketing efforts to attract sporting events to Columbus.

Memphis and Shelby County Sports Authority
Founded in 1997, this 501c3 nonprofit organization's mission is to promote the mid-south region of Tennessee by supporting and developing economic impact and quality of life through sporting events. Its main focus is to attract sporting events to the area, as well as supporting professional, college and high school athletics.

Sacramento Sports Commission
The Sacramento Sports Commission is a joint city-county advisory board created in the 1980s to attract and develop professional and amateur sporting events in the Sacramento region. In 1998, the Sports Commission formed a 501c3 nonprofit organization, the Sacramento Region Sports Education Foundation (SRSEF), to provide administrative and logistical support to sporting events held in the Sacramento region and to encourage youth interest and participation in sports by displaying educational exhibits and providing instructive clinics.

Stockton Sports Commission
Established in 2003, this 501c6 nonprofit organization promotes Stockton as a destination for local, regional and national sporting events. A Board of Directors includes various businesses and sports interests in Stockton and oversees the Commission's policies and funding.

Tri-Valley Sports Commission
Established in 2000, this organization is a division of the Tri-Valley Convention and Visitors Bureau (TVCVB). The TVCVB represents the cities of Pleasanton, Livermore, Dublin and San Ramon. The Sports Commission helps sports groups to find sports fields, facilities and accommodations in the region. It has no board, but rather an advisory committee comprised of business and sports interests. In 2001, the Sports Commission was disbanded and the TVCVB's sales division assumed its activities.

San Bernardino Youth Sports Alliance
Established in 2000, this organization is division of the San Bernardino Convention and Visitors Bureau. Its purpose is to assist youth sports clubs and tournament organizers with securing facilities, accommodations, transportation and community support for regional, national and international competitions held in the San Bernardino area. It also provides funds to maintain

and improve local facilities and help offset the cost of operating tournaments. It has no board, but rather an advisory council comprised of business and sports interests.

Conclusion

In closing, if the City chooses to establish a sports commission, it should consider adopting some of the best practices of sports commissions in other jurisdictions. Alternatively, the City could endorse the recently established San Francisco Sports Council or a similar group that already adheres to most of these practices. The Legislative Analyst believes that this is policy matter for the Board of Supervisors.

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Local government agency	Jacksonville Sports and Entertainment Board
	New York City Sports Council
	Sacramento Sports Commission

<u>Finding 1-A</u>: A slight majority of sports commissions surveyed (8 of 14) are organized as independent nonprofit organizations.

How are sports commission governed and staffed
Table 4 shows sports commissions surveyed by board and staff size and whether they have an executive committee.

TABLE 4: Characteristics of Sports Commissions

Organization	Board Size	Staff Size	Executive Committee
Philadelphia Sports Congress	95	2	Yes
San Antonio Sports Foundation	75	15	Yes
San Diego International Sports Council	70	7	Yes
Los Angeles Sports Council	65	5	Yes
New York Sports Commission	31	6	?
San Jose Sports Authority	25	5	Yes
Stockton Sports Commission	22	1	No
Detroit Metro Sports Commission	17	4	Yes
Jacksonville Sports & Entertainment Board	9	3	No
Sacramento Sports Commission	9	7	No
Memphis & Shelby County Sports Authority	8	5	?
Greater Columbus Sports Commission	7	4	Yes
Tri-Valley Sports Commission	No board	1	No
San Bernardino Youth Sports Alliance	No board	1	No

<u>Finding 2-A</u>: Generally, commissions organized as 501c6 membership-based organizations have larger boards than other forms of sports commissions because they represent numerous interests.

<u>Finding 2-B</u>: Half of the sports commissions surveyed (7 of 14) have executive committees. For the purposes of this analysis, an executive committee is a subgroup of board members that has special powers and/or responsibilities.

<u>Finding 2-C</u>:   Staff size depends largely on the particular functions of a sports commission. That is, a commission that seeks to attract sports events, produces sports events in-house, measures and reports economic impacts requires more staff than one that only seeks to attract sports events.

How are sports commissions funded
Some of the main sources of revenue currently being used by the sports commissions include the following:

- Membership sales;
- Individual and corporate donations (cash and/or in-kind services);
- Government and foundation grants;
- Local general fund monies;
- Local tax on hotel accommodations;
- Fees generated from producing and/or managing events (from operating tournaments to hosting an annual awards banquet); and
- A combination of these revenue sources.

<center><u>OTHER JURISDICTIONS</u></center>

New York City Sports Commission
Established in 1986, this City agency, headed by an Executive Director, consists of members appointed by the Mayor and the Speaker of the New York City Council. Initially, the Commission's goal was to promote New York as "a positive and profitable base for professional sports teams to relocate their organizations". Over its history, the Commission partnered with the New York City Sports Development Corporation, a 501c3 nonprofit organization, to attract sports events to New York City and provide charitable sports programs for underprivileged youth in the area.

Los Angeles Sports Council
Established in 1988, this 501c6 nonprofit organization seeks to attract sports events to the greater Los Angeles area and supports the area's collegiate and professional sports teams. Its Board of Directors includes leading sports and business people in the area and the Council itself includes hundreds of individual and corporate members. The Council is funded entirely from the private sector. The affiliated but separately chartered Los Angeles Sports Council Foundation, a 501c3 organization, conducts charitable programs for underprivileged youth in the area. Over its history, the Council has brought sports events with a collective economic impact of more than $1 billion to the area, using only $6 million in administrative expenses, a ratio of better than $160 for every dollar spent.

Philadelphia Sports Congress
Established in 1987, this organization is a division of the Philadelphia Convention and Visitors Bureau (PCVB). It seeks to attract major sports events to the Philadelphia area. It also assists with site visits, sports media contacts and special event planning. It has a board of directors

(separate from the PCVB Board of Directors) composed of business and sports interests and a small professional staff.

San Diego International Sports Council
Founded as the Greater San Diego Sports Association in 1960, this 501c6 nonprofit organization reorganized as the San Diego International Sports Council in 1995 to more effectively attract national and international sports events to the San Diego/Tijuana region. The Council is headed by a Board of Directors elected by the Council's membership, which includes more than 550 businesses and professional leaders. The affiliated but separately chartered San Diego International Sports Foundation, a 501c3 nonprofit organization, supports and promotes amateur sports and amateur athletes participating in national and international competition.

San Antonio Sports Foundation
Established in 1984, this 501c3 nonprofit organization attracts sports events to San Antonio that have a positive effect on the San Antonio economy, acts as a catalyst in the development of sports and fitness programs for people of all ages and supports the development and maintenance of athletic facilities. Over its history, the organization created "Dreams for Youth" and the "Community Olympic Development Program" to provide training in 6 Olympic sports primarily for disadvantaged children. The Sports Foundation estimates that in the last two decades, its events have added over $200 million to the San Antonio economy.

Detroit Metro Sports Commission (DMSC)
Established in 2001, the DMSC is a 501c3 nonprofit organization and a subsidiary of the Detroit Metro Convention and Visitors Bureau. The DMSC markets and sells metro Detroit as a premier destination for regional, national and international amateur sports events. Specifically, the DMSC 1) serves as the primary link between amateur sports groups and metro Detroit corporations, civic groups and DMSC members, 2) matches events and sponsors with local facilities, accommodations and businesses, 3) helps amateur sports groups secure corporate sponsorships, 4) develops a bank of volunteers from which events organizers can draw, 5) arranges special events for participants, 6) builds relationships to provide media coverage, 7) measures and provides economic impact reports for the community and DMSC members and 8) provides opportunities for local youth to participate in clinics and events.

San Jose Sports Authority
Established in 1991, this 501c3 nonprofit organization serves as the sports marketing agency for the City of San Jose. Over its history, the Authority created the "REACH Youth Scholarship" program to provide college scholarships to high school student-athletes and the "Eagles at Rancho Del Pueblo Golf Course" to expose economically disadvantaged youth to the game of golf. The Authority, in collaboration with community activists, co-founded the "Greater San Jose After-School All-Stars", a chapter of a nationwide sports foundation, to provide educational, cultural and community enrichment activities for youth ages 7 to 17.

Jacksonville Economic Development Commission
Established in 1996, this City agency includes a Sports and Entertainment Division that works to infuse dollars into the local economy by attracting sporting and entertainment events to the Jacksonville area. The Sports and Entertainment Division is governed by the Sports and

Entertainment Board (SEB) that consists of members are appointed by the mayor and confirmed by the city council. The SEB also serves as an in-house event production, marketing and advertising agency for regional sporting events. The Division and the SEB are funded entirely by the City of Jacksonville's General Fund.

Greater Columbus Sports Commission
Established in 2002, this 501c3 nonprofit organization markets central Ohio as a premier destination for amateur and professional sporting events, and helps to coordinate and promote sporting events held in Columbus. A Board of Commissioners includes various businesses and sports interests and oversees the Commission's policies and funding. In addition, an Advisory Council comprised of high-profile sports and community figures is involved in sales and marketing efforts to attract sporting events to Columbus.

Memphis and Shelby County Sports Authority
Founded in 1997, this 501c3 nonprofit organization's mission is to promote the mid-south region of Tennessee by supporting and developing economic impact and quality of life through sporting events. Its main focus is to attract sporting events to the area, as well as supporting professional, college and high school athletics.

Sacramento Sports Commission
The Sacramento Sports Commission is a joint city-county advisory board created in the 1980s to attract and develop professional and amateur sporting events in the Sacramento region. In 1998, the Sports Commission formed a 501c3 nonprofit organization, the Sacramento Region Sports Education Foundation (SRSEF), to provide administrative and logistical support to sporting events held in the Sacramento region and to encourage youth interest and participation in sports by displaying educational exhibits and providing instructive clinics.

Stockton Sports Commission
Established in 2003, this 501c6 nonprofit organization promotes Stockton as a destination for local, regional and national sporting events. A Board of Directors includes various businesses and sports interests in Stockton and oversees the Commission's policies and funding.

Tri-Valley Sports Commission
Established in 2000, this organization is a division of the Tri-Valley Convention and Visitors Bureau (TVCVB). The TVCVB represents the cities of Pleasanton, Livermore, Dublin and San Ramon. The Sports Commission helps sports groups to find sports fields, facilities and accommodations in the region. It has no board, but rather an advisory committee comprised of business and sports interests. In 2001, the Sports Commission was disbanded and the TVCVB's sales division assumed its activities.

San Bernardino Youth Sports Alliance
Established in 2000, this organization is division of the San Bernardino Convention and Visitors Bureau. Its purpose is to assist youth sports clubs and tournament organizers with securing facilities, accommodations, transportation and community support for regional, national and international competitions held in the San Bernardino area. It also provides funds to maintain

and improve local facilities and help offset the cost of operating tournaments. It has no board, but rather an advisory council comprised of business and sports interests.

Conclusion

In closing, if the City chooses to establish a sports commission, it should consider adopting some of the best practices of sports commissions in other jurisdictions. Alternatively, the City could endorse the recently established San Francisco Sports Council or a similar group that already adheres to most of these practices. The Legislative Analyst believes that this is policy matter for the Board of Supervisors.

(OLA #: 010-04)

≈LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors

From: Adam Lynch, with Adam Van de Water and Andrew Murray, Office of the Legislative Analyst

Date: March 2, 2005

RE: **The Role of Private Environmental Consulting Firms in CEQA Review (File No. 040414)**

SUMMARY OF REQUESTED ACTION

Supervisor Maxwell sponsored a motion requesting that the Office of the Legislative Analyst (OLA) examine the role that private environmental consulting firms play in preparing CEQA documents for the City's environmental review process. This examination should include an overview of the current process and analyze alternative processes utilized by other municipalities, with special focus on the role of the City's Planning Department, project applicant, and interested members of the community.

EXECUTIVE SUMMARY

The Planning Department is the lead agency in San Francisco responsible for implementing the California Environmental Quality Act (CEQA). CEQA requires the department to assess whether projects will have significant adverse environmental impact. It lays out a rigid process by which municipalities assess impact that requires preparing an initial study, and in many cases fuller impact reports. Municipalities can either prepare these studies and reports in house, or allow that work to be performed by private environmental consulting firms. Some jurisdictions routinely rely on the services of these firms as outsourcing is seen as more efficient and providing access to more specialized expertise than is available in house.

CEQA is a key mechanism used by interested stakeholders, including those concerned about the negative environmental and other impacts, to modify or stop projects. Because the studies and reports required by CEQA are somewhat subjective, the public is concerned about the possibility of bias by consulting firms involved. In San Francisco consulting firms preparing assessment documents are selected and paid directly by the project applicant, raising particular concern over objectivity.

The Planning Department provides guidelines to consultants, works with them to prepare documents, and reviews materials submitted in an effort to safeguard the delivery of quality, objective products. The Department's efforts are backstopped by a public participation and review process. However, the Planning Department asserts that staffing levels and increased workload have made it difficult for the

Department to devote resources to needed guideline updates and slowed the document review process.[1]

To address concerns of real or perceived bias and quality lapses, the Board of Supervisors and the Planning Department can consider implementing a range of measures used by other municipalities, including the following:

- Hiring a separate consulting firm to conduct peer review of documents;
- Facilitating an expanded (earlier and more accommodating) public participation process;
- Pre-qualifying consultants that applicants can hire based on strict requirements;
- Selecting the consultant; and
- Hiring the consultant directly (using funds paid to the municipality by the applicant).

BACKGROUND

In 1970, the California State Legislature passed the California Environmental Quality Act (CEQA) to require local government agencies to consider the environmental impact of projects that they undertake or approve. CEQA requires that municipalities research the impact of projects (those that have the potential for resulting in substantial changes to the environment and that require a discretionary decision by the city) and prepare documents that the public can review and appeal. The objectives of CEQA are to provide:

- Detailed, public information regarding the environmental consequences of projects;
- Research on avoidance or mitigation measures;
- A process of public involvement; and
- Early consideration of environmental impacts.

CEQA does not prohibit projects that have negative environmental impacts though an unfavorable CEQA assessment can greatly endanger a project. Projects found through CEQA to have negative environmental impacts are less likely to receive required permits from the municipality unless the impacts are mitigated or the municipality concludes (by issuing a "Statement of Overriding Considerations") that the negative environmental impacts are outweighed by other benefits of the project.

CEQA granted local jurisdictions flexibility in how they implement the law, including which local agency would serve as a municipality's lead agency. Although municipalities are ultimately responsible for conducting environmental review under CEQA, per a ruling in 1991 (*Friends of La Vina v. County of Los Angeles*)[2] either the lead agency or private environmental consulting firms can legally produce

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[1] The Planning Department asserts that they have experienced a net loss of 5.5 MEA FTE over the past four years. However, the Annual Salary Ordinance 03/04 shows a net increase of four Planner III - Environmental Review and one Planner IV - Environmental Review since 00/01.
[2] California State Assembly Natural Resources Committee legislative analysis of AB406, June 4, 2003

required documents on behalf of project applicants. In 2000, at least 160 California cities and counties allowed project applicants to hire their own consultants to prepare draft CEQA documents.[3,4]

The lead agency is entitled to collect fees from project applicants to cover the costs associated with administering CEQA. In addition, the lead agency is allowed to collect fees to offset the cost of in-house preparation of required documents. In jurisdictions where most documents are prepared by private consultants, the lead agency can either allow the project applicant to pay the consultant directly or assert additional oversight by collecting a fee from the applicant, then in turn contracting with and paying the consultant.

In all cases, the lead agency is responsible for reviewing and approving documents. In addition, most jurisdictions require certification of documents by an appropriate elected or appointed board, such as a planning commission or city council. The certification of CEQA documents can ultimately be appealed in California Superior Court. This, in addition to the required public participation process, ensures some level of integrity in the documents, whether prepared in-house by the lead agency or not. However, undertaking these appeals requires resources that may not be available to project opponents.

As noted, CEQA is a key mechanism by which those concerned about negative impacts seek to modify or stop projects. Because the studies and reports required by CEQA are somewhat subjective, the public is concerned about the possibility of bias by consulting firms that are selected and paid directly by the project sponsor, which could manifest itself in understating the environmental impact of a proposed project, thereby increasing its likelihood of receiving approval. Applicants could attempt to exert influence over consultants in many steps of the process. For example, applicants could:

-    Select a consultant known to have a perspective likely to produce a preferential assessment of the applicant's project; and
-    Attempt to influence the consultant's work by making payment or the lure of future work contingent upon favorable findings.

This does not mean that all applicants, given the chance, would seek to influence consultants in their favor. Many applicants are greatly concerned about the environmental and other impacts of their projects. Yet the perception that the current arrangement may create bias is a concern for some stakeholders.

To ensure objectivity in the documents and maintain public trust in the process, municipalities have instituted a variety of formal and informal safeguards, particularly regarding the work of private consultants. Generally, those mechanisms that guide consultants to correct errors earlier in the process are less costly than those that do so later. To safeguard the process, the lead agency can:

-    Critically review materials submitted by the consultant;

- Work closely with the consultant during the preparation of the materials, including providing strict guidelines;
- Hire a separate consulting firm to conduct peer review of documents;
- Facilitate an expanded (earlier and more accommodating) public participation process;
- Pre-qualify consultants that applicants may hire based on strict requirements;
- Select the consultant;
- Hire the consultant directly (using funds paid to the municipality by the applicant);
- Disallow the applicant from communicating with the consultant regarding the project; and
- Prepare additional documents in-house.

Each of these mechanisms alone could provide sufficient protection. Their success depends largely on how well they are implemented. It should be noted that these measures are geared to address bias in the consultants. Other measures would be needed to address bias in other areas of the process.

SAN FRANCISCO'S CEQA PROCESS

The City and County of San Francisco designated the Planning Department to be the lead agency responsible for carrying out CEQA. It in turn established the Major Environmental Analysis (MEA) Division (formerly the Office of Environmental Review) to review project proposals. The City's CEQA compliance process is outlined in Chapter 31 of the Administrative Code. In San Francisco, the project applicant submits an Environmental Evaluation Application and pays an accompanying fee. MEA reviews the application to determine whether an environmental impact report (EIR) is needed. (San Francisco, like most other jurisdictions, uses the industry standard State CEQA Guidelines, which provide criteria to lead agencies in determining whether a project may have significant effects.) If not, MEA uses funds from the fee to prepare an initial study with an accompanying negative declaration for the project.

According to MEA, it rarely prepares EIRs in house. If MEA determines that an EIR is needed, MEA advises the applicant to retain a consulting firm, which the applicant pays directly, to prepare the draft and final EIR. In some cases, special studies (such as a shadow study, geo-technical analysis, or biological resources study) are needed to complement the basic EIR. Like most EIRs, these studies are conducted by consulting firms (which may or may not be the same firm preparing the basic EIR for the applicant) selected and paid directly by the project applicant.

Some municipalities produce all CEQA required documents in house. Since initial implementation in the 1970's, San Francisco's CEQA program has always relied to some extent on the use of outside consultants. That reliance has grown over time. In 2000 CEQA was modified to require an additional section on historical resources, increasing the burden on staff preparing initial studies and reviewing EIRs. MEA staff has increasingly suggested to project applicants that they employ the use of consultants rather than wait for backlogged MEA staff to prepare initial studies. The Budget Analyst's 2002 Management Audit of the San Francisco Planning Department determined that the department was not

processing applications within the state deadlines[5], although MEA staff thinks that the analysis is faulty. Applicants are not entitled to a fee refund even if MEA directs the applicant to use a private consultant rather than produce the initial study in house.

The only occasion on which the Planning Department hires an environmental consulting firm directly for CEQA compliance is when it needs to prepare, as a project applicant, CEQA compliance documents for its internal activities. These activities primarily include the preparation of regional land use and development plans. Other City departments, such as Public Works, also hire private consultants directly to prepare required CEQA documents related to projects that they are undertaking.

MEA Oversight of Consultants

Some of the mechanisms employed by lead agencies to ensure quality documents from consultants were discussed above. MEA employs the following:

- Reviews the original Environmental Evaluation Application and materials;
- Works with the consultant during the preparation of the materials;
- Plays a major role in the public participation process; and
- Critically reviews materials submitted by the consultant (normally reviews preliminary draft EIRs 2-4 times).

Once it has been determined that an EIR is needed, MEA hosts an initial meeting with the applicant and the applicant's chosen consultant. At this meeting MEA scopes the EIR, which includes determining any special studies needed and the depth of analysis required. They also provide written general guidance to the consultants on how to prepare environmental review documents (the EIR Instructions and Guidelines, and accompanying consultant instructions). The EIR Instructions and Guidelines also contain instructions to MEA staff on working with consultants and instructions for MEA reviewers of consultant-prepared documents. MEA has long hoped to expand its written policies regarding consultants.

It should be noted that most San Francisco project applicants, although free to choose, make use of one of just four environmental consulting firms[6]. This distinguishes the City from other jurisdictions, and it is unknown why this situation persists. Presumably competition for the large number of projects taking place in San Francisco would attract the interest of many firms. However, these four firms' familiarity with the San Francisco process might make them more efficient at meeting the demands of MEA, and therefore less expensive to applicants. The existence of a large or small number of firms in the market does not foster or assuage bias. A small number of objective firms protects against bias to some degree

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[5] "Median processing time for a sample of 56 environmental review cases was 211 days, or 31 more than the 180 day maximum allowed by State law. Even if staff took the full 30 days allowed by State law to determine application completeness on all these cases before beginning their evaluation, 28 cases, or half of the cases reviewed, still exceeded the State time limits."
[6] EIP Associates, Environmental Science Associates, Turnstone Environmental Consultants Inc., and During Associates, per conversation with MEA staff 11/19/04

as applicants cannot shop around much to find a consulting firm that is likely to make a preferential determination. Also, because each of the firms enjoys substantial business, they are not beholden to the business of a single applicant. However, if there is a lack of public confidence that the Planning Department is sufficiently strict in reviewing the work of these firms, or these firms have identified opportunities to exploit the City's review to the benefit of applicants, having a small number of firms might foster bias.

Public Review and Input

By law, the Negative Declaration and EIR must be submitted to multiple stages of public review and ultimately approved by either the Planning Commission or the Board of Supervisors. Briefly, once prepared, MEA makes the initial study and preliminary negative declaration available to the public and accepts comment. Any person may appeal the proposed negative declaration, which obligates the Planning Commission to hold a public hearing. Following the hearing, the Planning Commission can adopt the negative declaration, return it for revisions, or reject it and require a full EIR. If the negative declaration is not appealed, it is considered approved and final. The City can also adopt a mitigated negative declaration.

If MEA determines that an EIR is needed, it will publish notification that its preparation is underway and will post notice and solicit comment on the draft EIR through a public hearing. The final EIR is constructed based on the draft and must contain a list of people consulted and the comments received on the draft. Comments that raise significant points not addressed in the draft must be addressed in the final EIR. The Planning Commission must certify the completion of the EIR. Any person or entity that has submitted comments on the draft EIR may appeal the Planning Commission's certification to the Board of Supervisors. In the case of such an appeal, the Board of Supervisors either affirms or rejects the EIR. Members of the public who feel that a project's impacts are not fairly represented in an approved EIR can resort to suing the municipality in California Superior Court.

There is concern among project opponents that the time limits to review documents and appeal decisions under San Francisco's current process are too tight to effectively enable public participation. Similarly, there is a sense that few grassroots, community groups have sufficient expertise and financial resources to effectively participate in the process, such as the ability to hire its own independent consultants.

<div align="center">OTHER JURISDICTIONS</div>

State Regulation

CEQA itself does not address the use of consultants in preparation of environmental review documents other than to say that the local lead agency is entitled to "prepare, or cause to be prepared" (implying preparation by another organization) environmental review documents. California Assembly Bill 406, introduced in 2003 and currently being considered in the Senate

Environmental Quality Committee, would make it illegal for project applicants (both public and private) to enforce confidentiality agreements on their consultants with regards to any data or information gathered in the course of the review process. An earlier version of the bill would have required that any draft EIR, EIR, or negative declaration be prepared directly by, or under contract to, a public agency, thereby disallowing project applicants to hire consultants directly. This would nullify the *Friends of La Vina v. County of Los Angeles* ruling[8], but was dropped as it lacked support.

Other Jurisdictions

California jurisdictions employ a variety of the measures described above to regulate the role of environmental consultants in preparing CEQA documents. Because the success of any measure critically depends on how it is implemented, it is hard to compare the effectiveness of different programs, even if they employ the same measures. It should be noted that San Francisco, like most jurisdictions, does use the industry standard State CEQA Guideline.

A number of jurisdictions, in addition to San Francisco, allow project applicants to hire their own environmental consultants to prepare draft CEQA documents, including the counties of Los Angeles, San Diego, and Santa Cruz and the cities of Oakland and San Diego.[9] However, a larger (and increasing) number prohibit this practice, including Santa Clara County and numerous cities.[10] For example, Cupertino, Palo Alto, Pasadena, San Bernardino County, and San Luis Obispo County allowed this practice in 2000 but now prohibit it.[11]

Regarding project applicants hiring consultants directly, Orange County's approach is nearly identical to San Francisco's. The City of Sacramento's approach is also the same as San Francisco's, except that Sacramento provides a list of qualified consultants that applicants may (but are not required to) choose from. San Diego County maintains a list of consultants the firms must work with, but allows the applicant to contract with the consultant directly. Santa Clara County represents the extreme in that it selects the consultants and contracts with them directly.

CONCLUSION

San Francisco relies on private environmental consulting firms, selected and paid directly by project applicants, to play a critical role in the CEQA environmental review process, a practice that is somewhat common but diminishing among California municipalities. The use of private consultants raises the specter that without sufficient oversight the documents provided by consultants could be biased in favor of project applicants.

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[8] California State Assembly Natural Resources Committee legislative analysis of AB406, June 4, 2003
[9] The California Planners' Book of Lists 2004, California Governor's Office of Planning and Research
[10] The California Planners' Book of Lists 2004, California Governor's Office of Planning and Research
[11] The California Planners' Book of Lists 2000, California Governor's Office of Planning and Research and The California Planners' Book of Lists 2004, California Governor's Office of Planning and Research

The San Francisco Planning Department's Major Environmental Analysis (MEA) Division is responsible for the City's CEQA compliance. As such, it reviews all environmental assessment documents. To ensure the objectivity of materials prepared by consultants, MEA provides written guidelines to the consultants on how to prepare materials, works with the consultants during the preparation of the materials, and reviews materials submitted. In addition, MEA's efforts to ensure objective findings are backstopped by a public participation and review process that involves the Planning Commission and occasionally the Board of Supervisors and California Superior Court.

San Francisco could expand its oversight by implementing measures used by other jurisdictions, discussed above. Or, San Francisco could safeguard against perceived or actual bias by strengthening existing measures and improving their implementation. Any change to current policy should be considered relative to resulting changes in the cost to the City and project applicant, the quality of the resulting product, and the public perception of the integrity of the process.

The key issues involved (controversial projects, public perception, and the quality of the process and resulting products) are complex. Although there is a general movement among municipalities towards more oversight and direct municipal control in producing CEQA documents, the fact that there has not been uniform convergence on a single approach underscores the complexity. Additional research would help identify an appropriate course of action for the City, hopefully answering these pressing questions:

- To what extent are there actual and perceived biases and quality shortcomings in the current approach;
- Can shortcomings be attributed to and overcome by resource allocations;
- Can improved program management overcome shortcomings;
- Is the current approach inherently flawed, apart from resource and management considerations;
- Are there obstacles outside of the Planning Department that would limit the adoption of new approaches (such as City contracting and procurement procedures); and
- What are the tradeoffs of various alternatives?

RECOMMENDATION

The OLA recommends that the Board of Supervisors and the Planning Department consider implementing one or more of the following practices:

- Strengthen measures already in place and improve their implementation;
- Facilitate an expanded (earlier and more accommodating) public participation process;
- Pre-qualify consultants that applicants may hire based on strict requirements;
- Select the consultant; and
- Hire the consultant directly (using funds paid to the municipality by the applicant).

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[12] Convened to examine the independent Capital Improvement Program Review prepared by the PUC's private consultant

ACKNOWLEDGEMENT

The following individuals were information sources for this report:

Eve Bach, Arc Ecology
Rick Cooper, San Francisco Planning Department Major Environmental Affairs
Karen Douglas, Planning and Conservation League
Vivian Kahn, Dyett and Bhatia, American Planning Association
Joan Kugler, San Francisco Planning Department Major Environmental Affairs
Paul Maltzer, San Francisco Planning Department Major Environmental Affairs
Romel Pascual, U.S. Environmental Protection Agency
Karen Pierce, Bayview Hunters Point Community Advocates
Mark Rhoades, City of Berkeley
Terry Rivasplata, Jones and Stokes, California Chapter of the American Planning Association
Terry Roberts, California Governor's Office of Planning and Research State Clearinghouse
Manuel Valencia, California State Assembly Committee on Natural Resources

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Carolyn Huynh and Andrew Murray, Office of the Legislative Analyst
Date: September 7, 2005
Re: **Rent Board Representation** (BOS File No. 051259) (OLA No. 051-05)

SUMMARY OF REQUESTED ACTION

The Board passed a motion, introduced by Supervisor Sandoval, requesting that the Office of the Legislative Analyst research the rent boards of other cities, such as Berkeley. Among other issues, detail who has appointing authority for board members and what the ratios between tenant and landlord representatives are on the boards.

FINDINGS

Seventy-eight California cities have adopted rent control laws, 64 of which address mobile home rentals exclusively.[1] These cities generally adopted laws during an upsurge of tenant activism in the late 1970's and early 1980's. The laws responded to perceived patterns of dramatic rent increases, low vacancy rates, and shortages of safe and sanitary housing. The rent increases created particular hardship for low- and moderate-income households, including many senior citizens, and resulted in the eviction of some of these tenants for failure to pay rent. Most of the rent control laws were passed by city councils, with the exception of those in Cotati and Santa Monica, which were passed through local initiatives.

Rent control ordinances generally have two basic elements, rules governing the eviction of tenants and rules governing rent increases and the pass through to tenants of expenses born by the property owners. The ordinances have been used to protect tenants from arbitrary, discriminatory, and retaliatory evictions. They have also attempted to assure landlords a fair return on their property and rental income sufficient to cover costs of maintenance, operating, and capital improvements to their rental properties.

Eight of the rent control laws that address non-mobile home dwellings mandate the creation of rent boards. Although the purview varies city-to-city, the boards are primarily authorized to investigate complaints and enforce regulations adopted in accordance with the rent ordinance, particularly setting rent levels. Rent boards range in size from five to nine members comprised of tenants, rental property owners, non-tenants and non-property owners, or a mix of these. Members' terms range from two to four years.

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[1] Dreier, P. (1997). Rent Deregulation in California and Massachusetts: Politics, Policy and Impacts-Part II. International and Public Affairs Center. Occidental College. Los Angeles

Either the city council or mayor appoints the members of most rent boards. In two cities, Berkeley and Santa Monica, rent board commissioners are elected. These two cities have histories of strong tenant movements. Elected representation was sought because it was viewed as a means of isolating the rent board from the city council. (To further isolate the rent board from the city council, the decisions of the rent boards in these cities, as well as most others, are not appealable to the city council.)

The City of Berkeley's elected Rent Stabilization Board is currently unique as the only all-tenant member board. The Berkeley City Council adopted a rent control ordinance in 1978. In 1982, a voter initiative created an amendment to the charter such that rent board members would be elected rather than appointed. A contact in the Berkeley City Attorney's office stated that since the passage of the Costa-Hawkins Act in 1995, statewide legislation that allows landlords to set the rent at market value once the last original tenant vacates a unit, landlords have been less inclined to organize and push for representation on the Board.

Table 1, below, summarizes the characteristics of California's rent boards.

Table 1. California Cities with Rent Boards							
Cities	Date Rent Ordinance Adopted	Expiration Date	Name of Board	# of Members	Members that are Tenant/Landlord/ Neither	Appointment Method	Length of Term
Berkeley	11/7/1978	No expiration date	Rent Stabilization Board	9	All tenants	Elected	4 years
East Palo Alto	11/23/1983	No expiration date	Rent Stabilization Board	7	3 tenant, 2 landlord, 2 neither	City Council	2 years
Los Gatos	10/27/1980	No expiration date	Rent Advisory Committee	5	2 tenant, 2 landlord, 1 neither	Town Council	3 years
Los Angeles	8/30/1978	No expiration date	Rent Adjustment Commission	7	All are neither tenants nor landlords	Mayor w/ City Council approval	4 years
Oakland	5/6/1980	Reviewed Annually	Residential Rent Adjustment Board	7	2 tenant, 2 landlord, 3 neither	City Council	3 years
Palm Springs	4/8/1980	No expiration date	Rent Review Commission	5	All are neither tenants nor landlords	City Council	3 years
San Jose	7/10/1979	No expiration date	Advisory Commission on Rents	7	2 tenant, 2 landlord, 3 neither	City Council	3 years
San Jose			Mobile Home Advisory Commission	5	1 member nominated by the association of park owners, 1 members who has been on the association of park owners, and 3 neutral members	City Council	3 years
San Francisco	6/12/1979	No expiration date	Rent Stabilization and Arbitration Board	5	2 tenant, 2 landlord, 1 neither	Mayor	2 years
Santa Monica	4/10/1979	No expiration date	Rent Control Board	5	2 tenants, 3 non-owners of rental property	Elected	4 years
West Hollywood	6/27/1985	No expiration date	Rent Stabilization Commission	5	Any residents of the city	City Council	2 years

LEGISLATIVE ANALYST REPORT

To:	Members of the Board of Supervisors
From:	Andrew Murray, Office of the Legislative Analyst
Date:	September 9, 2005
Re:	**Homeless Count Methodology** (BOS File No. 050641) (OLA No. 037-05)

SUMMARY OF REQUESTED ACTION

The Board passed a motion introduced by Supervisor Daly requesting that the Office of the Legislative Analyst research and make recommendations on methodologies and standards for conducting the count of homeless people, with attention on interaction with government institutions and the overall quality of life of homeless people in San Francisco.

EXECUTIVE SUMMARY

A number of factors have combined over the past few decades to increase the number of people experiencing homelessness in the United States (US). San Francisco, in particular, has had one of the largest homeless populations, on a percentage basis, among major US cities. The City devotes substantial resources to addressing homelessness and there is considerable interest in determining whether these resources are having an impact.

The City conducted its first count of the homeless population in 2000, and most recently conducted a count in 2005. The 2005 count, which follows a methodology endorsed by the US Department of Housing and Urban Development, a major funder of programs for the homeless, found a significantly lower number of homeless individuals than did the next most recent count, conducted in 2002. As the methodology has some recognized shortcomings and its successful implementation is challenging, there are reasonable questions about the accuracy of the count. In addition, the methodology of the City's count changed between 2002 and 2005, raising questions about the comparability of the resulting numbers.

Despite the shortcomings, the City's count methodology is basically sound. The count of the sheltered population is straightforward, so it seems reasonable to assume, in the absence of evidence to the contrary, that the results of the two most recent counts of this sub-population are accurate and comparable. The methodology of the unsheltered count is widely accepted, although it is challenging to implement and verifying the results after the fact in the absence of quality control mechanisms is difficult. It likely results in an undercount to an unknown degree by excluding people residing in abandoned buildings. This and other undercounting risks can be remedied by easy-to-implement means of estimating the number of unsheltered homeless not observed during the count.

The Office of the Legislative Analyst recommends instituting a number of improvements to future counts, including estimating the number of individuals not counted, broadening the subpopulations counted, and increasing the frequency.

An estimated 2.3 to 3.5 million people experience homelessness in the United States each year[1]. This equates to approximately 450,000 to 850,000 people on a given night[2]. A number of factors have combined over the past few decades to increase the number of people that experience homelessness. These include an increase in the number of people living in poverty, rising housing costs, and reduced public spending on housing and urban development, disability benefits, and mental health services. Over this period the demographics of the homeless population have changed, such that there are now more young people and families with children experiencing homelessness, and an increasing share of the homeless population experiences spells of homelessness that are shorter than in the past.

Although no formal count was conducted, local experts agree that the number of homeless individuals in San Francisco increased over the few decades before 2000, largely for the reasons noted above. For example, between 1975 and 1988 San Francisco reportedly lost 43% of its low-rent single room occupancy housing units[3]. Based on 1990 data from the US Census Bureau, San Francisco had the third highest share of population residing in homeless shelters (0.57%) among the country's 50 largest cities. Although rental housing prices have dropped significantly since heights of the dot com boom era, costs are still prohibitive for many people earning modest incomes.

A number of departments with auditing responsibilities have looked at the City's homelessness programs. In 2001, the Budget Analyst conducted a financial audit. In 2002, the Controller issued a report containing a number of recommendations, including modifying the design of the Local Homeless Coordinating Board, establishing the Department of Human Services (DHS) as the lead agency addressing homelessness, and improving data collection regarding the needs of and services to homeless clients. Despite the City's 2001 Continuum of Care Plan, the Controller's audit concluded that "although the City and County of San Francisco makes available a wide spectrum of well-delivered services for its diverse homeless population, the City has not yet developed an effective, unified strategy for dealing with the issues related to homelessness[4]."

In response to Proposition N, passed by voters in November 2002, in May 2004 DHS implemented the Care Not Cash program. The program replaces a large portion of the cash assistance formerly provided to San Francisco's County Adult Assistance Program (CAAP) participants with direct services, including housing and shelter. Following Care Not Cash's first eleven months of operation, DHS reported a dramatic decrease in the number of homeless CAAP participants. Since the

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[1] Urban Institute, 2000
[2] Urban Institute, 2000
[3] "Homeless Services," City and County of San Francisco Office of the Controller, 2002
[4] "Homeless Services," City and County of San Francisco Office of the Controller, 2002, page S-1

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implementation of Care Not Cash, DHS has housed nearly 900 formerly homeless CAAP participants and over 200 additional individuals have found housing on their own[5].

MEASURING HOMELESSNESS

Counting the Population

Understanding the needs of the homeless and tracking progress on addressing the problem require accurate measurement of the population, including its size and characteristics. However, many challenges exist to accurate counting, including establishing appropriate definitions, planning and marshaling resources for the count, and simply locating homeless people that are in some cases reclusive, avoiding interaction with people and organizations, such as those attempting to conduct counts.

There are two common types of counts of homeless populations, point-in-time and period prevalence. Point-in-time (also referred to as point prevalence) is a count of people that are experiencing a condition (prevalence) at a given point in time. Period prevalence is a count of people that have experienced a condition at any point during a specified period. If most people that are homeless are permanently so, then the point and period prevalence counts will be similar. If there is significant turnover in the homeless population, then the point and period counts will differ significantly.

The homeless population is not homogenous, and different policies might be needed to support the needs of different segments. Data collected through counts and accompanying efforts can provide the information necessary to craft appropriate policies. For example, long-term homelessness suggests a homeless population that might have few resources or skills for independent living, whereas short spells of homelessness might suggest a population with more recent attachment to the labor force and stable housing arrangements.

The US Department of Housing and Urban Development (HUD) provides housing and community development funding to local jurisdictions. To serve the homeless population, HUD has encouraged local jurisdictions to create Continuum of Care plans, which are community-based, long-range plans identifying a network of services that will benefit the homeless. Most of the funding that HUD provides to local Continuums of Care in order to address homelessness is distributed through an annual competitive grant process (HUD SuperNOFA: Continuum of Care Homeless Assistance Program). Starting in 2003, HUD began requiring Continuum of Care grant applications to contain, at least every other year, point-in-time counts, including the number of chronically homeless. HUD also requires Continuums of Care to estimate the number of sheltered homeless considered seriously mentally ill, chronic substance abusers, veterans, persons with HIV/AIDS, victims of domestic violence, unaccompanied youth, and families with children. These counts are now also a required element of the HUD Consolidated Plan regarding housing and community development, which communities are required to prepare every five years to be eligible to receive funding under most HUD formula grant programs. The federal departments of Education and Health and Human Services also require local

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[5] San Francisco Department of Human Services

jurisdictions to report data on some elements of the homeless population as a condition of grant eligibility.

Sheltered and Unsheltered Populations

At any point, the homeless population is composed of people who are sheltered and those who are not. The sheltered population, according to the HUD definition, includes those staying in emergency shelters and transitional housing (including domestic violence shelters), residential programs for runaway/homeless youth, and hotels/motels/apartments through voucher arrangements. Unsheltered people are those sleeping in places not meant for human habitation, primarily composed of public places (parks, sidewalks, alleys, etc.), vehicles, all-night commercial establishments, and abandoned buildings.

Point-in-time counts of the sheltered population (censuses of shelter and transitional housing occupants) are methodologically straightforward assuming the cooperation of facility operators, who must simply literally count their clients at a given point in time. Period prevalence counts of the sheltered population are more difficult, requiring that operators maintain data systems that allow them to uniquely identify clients and ensure that they do not "double count" clients that use services repeatedly over the study period. To capture data on the homeless population, HUD has recently required local jurisdictions to develop their own homeless management information systems (HMIS). If implemented by all shelter providers, HMIS, which contain identifying data and shelter use information, can be used to generate point-in-time and period prevalence counts without the need for a manual census. Both point-in-time and period prevalence estimates can also be obtained through surveys of a representative cross section of a community's residents to determine whether they used a homeless shelter or transitional housing during a specified period.

Counts of the unsheltered population are usually much more challenging than of the sheltered population, and are addressed by a recently released authoritative HUD resource, "A Guide to Counting Unsheltered Homeless People." Pursuant to its requirement that Continuums of Care provide point-in-time counts of the homeless population at least biannually, HUD permits three main approaches for counting the unsheltered homeless. Two of the methods currently accepted by HUD are 1) an actual count performed by canvassing a specified area and 2) an actual count in a statistically valid sample of subregions, extrapolated to a specified area. The canvassing count is known as a "simple street count", and referred to as "complete coverage" when an entire jurisdiction is covered in this fashion. HUD also accepts counts limited to "known locations" where the homeless congregate, or a combination of the complete coverage and known locations approaches for different parts of a jurisdiction. These approaches present similar challenges, including:

-       Conducting the count in a sufficiently short period of time that it qualifies as a point-in-time count;
-       Marshaling the requisite human resources to conduct the count; and
-       Instituting quality control mechanisms to ensure that the methodology is implemented properly.

A third method also accepted by HUD, referred to as a service-based count, is an unduplicated count of homeless clients that interact with a community's complete set of providers of non-shelter services

(such as soup kitchens, drop-in medical clinics, etc.). Many services, such as street outreach teams, drop-in centers, and mobile food programs particularly cater to the unsheltered homeless. Service-based counts must contain a screening mechanism to verify that the service recipients are indeed homeless, opposed to low-income housed people that might be using the same services. A mechanism for ensuring unduplicated counts, such as collecting identifying personal information, is also a necessary element of this approach. Service-based counts can be used for both point-in-time and period prevalence estimates. They can also be a good complement to a simple street count to identify people not easily observed, such as those living in cars, abandoned buildings, or other places that are difficult for enumerators to access. In order for a service-based count to yield an accurate estimate of the unsheltered population, the implementing agency must be confident that the bulk of the unsheltered population in fact interacts with the service agencies involved in the count, which can be difficult to verify.

Counting methods that were commonly accepted earlier, such as relying on expert opinions (key informants) and interpolating from national estimates, are now discouraged. Expert opinions are now only accepted as valid in circumstances where an individual can have reasonably complete first-hand knowledge of the local situation to enable an accurate estimate[6].

<u>Strengths and Weaknesses of Different Approaches</u>

Different count methodologies have different strengths and weaknesses. Point-in-time data, which is a snapshot of the population, might not be representative of the population over time. However, a point-in-time count of public places is the only currently feasible methodology for collecting information on unsheltered individuals that do not come into contact with service providers. To balance the shortcomings of the different approaches, some jurisdictions undertake a family of studies composed of multiple methodologies to count different segments of the population.

<u>Accuracy and Consistency</u>

To ensure that results are accurate and comparable count-to-count, methodologies must be consistently and well implemented over time. Quality implementation of public place counts is particularly challenging because the field nature makes enumeration difficult and unexpected circumstances can occur. Methodology that cannot accommodate, in a planned fashion, unexpected circumstances beyond the control of researchers, such as severe weather or geographical changes in the nature of homelessness, can result in counts that are inaccurate and where period-to-period comparisons are invalid.

<u>Beyond Counting: Collecting Other Information on the Homeless</u>

Data on population characteristics can be used to assess needs and be complemented by gap analysis to determine what additional services a jurisdiction should provide. To collect information on the characteristics of the population, some jurisdictions couple their counts with surveys. Such surveys can include questions on the city and county of residence prior to homelessness, length of homelessness

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[6] "Practical Methods for Counting the Homeless: A Manual for State and Local Jurisdictions," The Urban Institute. 1996

spell, number of spells, gender, ethnicity, reasons person became homeless, medical conditions, veteran status, employment status, family situation, and others. Not only can information on the characteristics of the population help jurisdictions provide appropriate services, but it can also be used to assess whether the conditions endured during spells of homelessness (quality of life measures) are improving over time, which itself could be a goal of a homelessness program.

SAN FRANCISCO'S HOMELESSNESS COUNT

The Mayor's Office on Homelessness conducted the City's first official count of the homeless population in 2000. Prior to that, the City relied upon US Census counts and the opinions of local experts, whose estimates of the unsheltered population varied by as much as 10,000[7]. Following the dissolution of the Office on Homelessness in 2003, DHS assumed responsibility for overseeing homeless programs and conducted the 2005 count.

The City's count has always been composed of a point-in-time census of its publicly and privately operated shelters and transitional housing and public places. In addition, although not required as part of the HUD point-in-time count, the City has also counted the number of homeless individuals residing in hospitals, jails (beginning in 2005), and residential treatment facilities. In all years, the public places count has relied heavily on volunteer enumerators. It is important to note that the City's count, which has primarily been conducted to meet HUD requirements upon which funding is contingent (approximately $16 million per year), does not capture all elements of the population included in the City's official definition of homelessness (Appendix A). Notably, it excludes those "doubled up" or residing in private Single Room Occupancy (SRO) hotel rooms.

Methodology

The City's methodology adheres to general guidelines provided by HUD, and is described in Appendix B, San Francisco Homeless Count 2005 Final Report. The specific methodology of the City's point-in-time counts of the sheltered and unsheltered populations changed between its two most recent iterations, 2002 and 2005. The changes in methodology are summarized in Table 1 below.

Table 1. Changes in Count Methodology, 2002 to 2005		
Count Element	**2002**	**2005**
Count of Sheltered Population	Shelter and transitional housing staff manually counted occupants.	City staff extracted data from the HMIS to count the emergency shelter population. Transitional housing staff manually counted residents.
Count of Unsheltered Population (Public Places)	Volunteer enumerators completely canvassed the entire City, including parks, in an approach known as "complete coverage."	Volunteer enumerators completely covered some parts of the City (Districts 3, 5, 6, 8, 9, and 10) while covering just "known locations" in other parts of the City (Districts 1, 2, 4, 7, and 11). Recreation and Park Department staff provided park counts.
Number of Public Place Enumerators	Staff and volunteer enumerators numbered approximately 300.	Volunteer enumerators numbered approximately 250.
Time of Year	Conducted in October	Conducted in January

[7] "2001 Homeless Count Report," City and County of San Francisco Mayor's Office on Homelessness

Although not part of the 2005 count, the City is currently developing capacity for service-based counts, which will require combining data from DHS and DPH programs that serve homeless clients (DPH has seven patient data systems that could contain information on services to homeless clients). In addition, the City is developing capacity to better track the needs of homeless clients, the services provided (including transitional and permanent supportive housing), and the associated outcomes.

Results

Table 2 below displays the results of the City's counts. They illustrate substantial increases 2000 – 2002, particularly in the unsheltered population, and a notable decrease 2002 – 2005, again particularly in the unsheltered population.

Table 2. San Francisco Homeless Counts						
Point-in-Time Count Date	Sheltered Population	Year-Over-Year Change, Sheltered	Unsheltered Population	Year-Over-Year Change, Unsheltered	Total Population	Year-Over-Year Change, Total
4/27/2000	NA	NA	1,805	NA	NA	NA
10/25/2000	3,343	NA	2,033	27%[8]	5,376	NA
10/25/2001	4,149	24%	3,156	55%	7,305	36%
10/29/2002	4,105	(1%)	4,535	44%	8,640	18%
1/25/2005	3,593	(6%)[9]	2,655*	(17%)[9]	6,248	(12%)[9]

Source: San Francisco Department of Human Services and Mayor's Office on Homelessness
* Figure adjusted by DHS to account for people missed due to "known locations" approach

Table 3 below details the number of unsheltered homeless counted in 2001, 2002, and 2005, by Supervisorial District. After increasing in all districts except 6 from 2001 to 2002, the number decreased in all districts except 6 from 2002 to 2005.

Table 3. Counts of Unsheltered Homeless, 2001, 2002, and 2005				
District	2001	2002	2005 (Adjusted)	Percentage Change, 2002 to 2005
1*	69	127	76	(40%)
2*	92	96	79	(18%)
3	280	444	167	(62%)
4*	161	331	97	(71%)
5	233	569	110	(81%)
6	1,158	1,071	1,233	15%
7*	34	266	25	(91%)
8	108	374	159	(57%)
9	238	249	192	(23%)
10	733	811	484	(40%)
11*	50	197	34	(83%)
Total	3,156	4,535	2,655	(41%)

Source: San Francisco Department of Human Services and Mayor's Office on Homelessness

[8] Annualized growth rate over six month period, April 2000 to October 2000.
[9] Annualized growth rate over 27 month period, October 2002 to January 2005.

To inform public policy, it would be useful to know what factors underlie the dramatic decrease in the unsheltered population count 2002 - 2005. This report focuses on the methodology of the counts, and to what degree it might contribute to changes in the results. It is therefore beyond the report's scope to investigate factors beyond methodology. Nonetheless, it is reasonable to speculate that an improving economy, lower housing costs in the post-dot com era, and new and continuing City homelessness programs are partially responsible for the observed changes. For example, the housing of nearly 900 formerly homeless CAAP participants through Care Not Cash would be expected to result in a reduced count, all other things equal.

<u>Assessment of the Count Methodology and Implementation</u>

As noted above, different methodologies have different strengths and weaknesses, and all count efforts are limited by resource constraints that require accepting some level of inaccuracy. DHS's final report on the City's 2005 count notes the following shortcomings of its approach:

- Enumerators might miss people during the public places count that are hidden or obscured;
- Exclusion of parks and abandoned buildings results in an undercount;
- Conducting the census in "known locations" risks missing people in unknown locations and not accounting for changes in the geography of the homelessness situation; and
- Identification of people as homeless or not by enumerators is subjective based on appearance as there is no verbal communication between the enumerators and the individuals being counted.

Some additional shortcomings of the approach include:

- No mechanism for estimating the number of homeless not observed (and therefore not counted);
- Lack of a survey component to gather information on population characteristics and reduce subjectivity of enumerator assessment of homelessness status; and
- Inability to adjust for unexpected circumstances, such as severe weather, which might impact the count.

(Note that none of the shortcomings listed above relate to the count of the sheltered population.)

Despite the shortcomings described above and opportunities for improvement, the City's 2005 methodology, which adheres to general HUD guidelines, is basically sound and largely consistent with the best practices of other jurisdictions. The count of the sheltered population is largely derived from the HMIS. Assuming this system is accurate (it is key to DHS's homeless services), it is reasonable to assume in turn that the 2005 count of the sheltered population is accurate. As the 2002 method of counting this population (manual enumeration of shelter and transitional housing residents) is straightforward, in the absence of evidence to the contrary, it seems reasonable to assume that the 2002 count of the sheltered population is also accurate, and that the 2002 and 2005 numbers for this population are comparable.

The methodology of the public places counts in 2002 and 2005 is also basically sound. Basing determination of an individual's housing status on observation, rather than a questionnaire-driven dialogue, is bound to result in some misidentification. It is unknown whether this will result in a count that is higher or lower than actual, and to what degree. Many of the enumerators are knowledgeable and motivated staff members of community-based organizations that serve the homeless, so presumably are skilled at both discovering congregation sites and visually identifying the homeless. Experts view the exclusion of abandoned buildings as a reasonable tradeoff for safety's sake, although it results in an undercount to an unspecified degree[10]. Regarding parks, it is unclear whether Recreation and Park Department (RPD) staff or volunteer enumerators would provide more thorough counts. Unfortunately, there is no information from past counts on how many people were observed in parks, so it is not possible to compare past data with the 2005 figures.

The known locations approach has been adopted by a number of jurisdictions and is accepted as valid in cases where pre-testing and other procedures for identifying the known locations are sufficiently robust to ensure that few important sites are overlooked. DHS's 2005 process for identifying known locations relied on a broad range of knowledgeable stakeholders[11]. It is interesting to note that the count of the unsheltered homeless decreased more from 2002 to 2005 in districts where only known locations were covered than in those with complete coverage (60% decrease opposed to a 41% decrease). This might lead one to suspect that the known locations approach, even after the count was adjusted[12], might systematically undercount. However, because the known locations approach was only used in districts with historically small homeless populations, systematic undercounting in these districts would not be expected to have a large impact on the total[13] count if geographical patterns of homelessness have not changed dramatically.

It is difficult to determine how the change in timing of the count from October (in 2002) to January (in 2005), which was mandated by HUD[14], might have impacted the results. October is reliably warmer and drier than January[15]. Weather reports indicate that although the temperature did not differ greatly on the night and morning of the 2002 count compared to 2005, it did not rain during the 2002 count but did rain the night of the 2005 count[16] from about 11:30 PM on. The street count was conducted from 8 PM until 12 AM and the park count was conducted the following morning. Bad weather would be expected to drive some homeless in public places to use limited resources to seek low-cost shelter, perhaps outside of the network of shelters included in the count.

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[10] Professor Dennis Culhane, University of Pennsylvania

[11] The known locations were identified through consultation with the Police Department, homeless outreach teams of DPH, currently and formerly homeless individuals, Board of Supervisors staff and constituents, and members of the general public. The locations were pre-tested by DHS staff prior to the 2005 count.

[12] DHS computed "adjusted" count numbers based on the actual count and historical count data.

[13] For example, if the percentage decrease in the districts covered by the known locations approach is actually the same as in the complete coverage districts (41% opposed to 60%), the total count of unsheltered individuals would only be understated city-wide per the 2005 figures by fewer than 300 individuals.

[14] HUD stated in the SuperNOFA application that it preferred that jurisdictions conduct point-in-time counts during the last week in January.

[15] Per the National Weather Service and the Global Historical Climatology Network, the average low temperature and precipitation are 55F and 1.1 inches in October compared to 46F and 4.4 inches in January.

[16] Weather Underground, www.wunderground.com, as reported for the Panhandle

Quality implementation of public places counts is challenging given the field nature and the associated difficulty addressing unexpected circumstances. Although the methodologies of the 2002 and 2005 public places counts are basically sound, it is difficult to assess, after the fact, how the implementation might have affected the accuracy of the counts, and the resulting comparability. For example, anecdotal information suggests that past count numbers might have been inflated to attract higher levels of federal support for homeless programs[17]. If numbers were artificially inflated, it seems reasonable to suspect that the public places element might have been particularly susceptible to tampering, as it is virtually unauditable after the occurrence. Also, a 2002 Civil Grand Jury report found the City's count lacking in consistent, scientific methodology. DHS's report on the 2005 count notes that the 2002 street count numbers were widely divergent from the numbers observed in 2000 and 2001. The lack of information about the quality of the 2005 and earlier counts undermines confidence in the results. However, as noted, many of the volunteer enumerators in 2005 were associated with community-based organizations serving the homeless, so were familiar with the population and presumably committed to a thorough count. In addition, many commented to DHS on the quality of the 2005 count's implementation. To improve confidence in future counts, recommendations are provided below on how to improve implementation and verify results.

The infrequency of the count undermines confidence in the results and comparability as the number and composition of the homeless population changes night-to-night. More frequent counts would illuminate consistent patterns in the data.

Verifying the Count - Comparing DHS Homeless Count Data with that from Other Sources

As noted above, one particular shortcoming of the current and past methodologies is the absence of broad quality control and verification mechanisms. One informal mechanism to assess the accuracy of the count, particularly in light of the 2005 finding that the overall homeless population has declined, is to determine whether this observation is consistent with data from other sources, such as organizations that interact with the population. As noted, the City is in the process of developing the capacity for service-based counts, which would be a useful comparison.

Discussions with a number of San Francisco nonprofit organizations that serve the homeless (Glide Memorial Church, St. Anthony Foundation, Tenderloin Neighborhood Development Corporation, and others) reveal that they have experienced an increase in the demand for their services over the past few years. For example, the St. Anthony Foundation reported that the demand for its dining room meals has increased by 20% over the past two years. The increased demand for these agencies' services could, however, be explained by a number of factors apart from an increase in the homeless population, such as more successful outreach or the reduction in services of other providers. DHS reports that one prominent program it funds, the Glide Memorial Church meals program, actually served fewer meals in FY 2004-05 than it did in FY 2003-04. DHS also notes that some of these agencies provide services to the non-homeless that are co-mingled with those for the homeless, so it might be difficult to determine whether an overall increase in demand indicates an increase in demand by the homeless alone.

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[17] "Green and Red Apples", *San Francisco Bay View*

The San Francisco Police Department issued over 1,100 citations in 2004 for violations of Park Code section 3.12[18] prohibiting camping. This is dramatic in comparison with just 436 citations issued in 2003 and 273 in 2002[19]. However, it is not clear whether such a trend indicates increased levels of camping in public parks by homeless individuals (and an increase in the unsheltered population) or simply shifting geography of the homeless population or increasing vigor citing individuals for this offense.

Unfortunately, because San Francisco has historically been considered an outlier in terms of the size of its homeless population, it is unknown to what degree national rates of homelessness can be applied to San Francisco to assess the reasonableness of the recent local count results. For example, the 2000 Urban Institute estimates of 450,000 to 850,000 people daily experiencing homelessness nationally equate to percentages of 0.16% and 0.30% (based on a 2000 total population of 281,000,000, US Census). Applying the same percentages to a recent San Francisco population estimate of approximately 750,000 results in homelessness estimates of 1,200 and 2,265, considerably smaller than the count's actual result of 6,248.

Descriptive Information

Many jurisdictions couple their counts with survey efforts. San Francisco enumerators do not survey, but do record a small set of information during their point-in-time counts based on observation, including gender, ethnicity, family status, age, whether the person is in an encampment or car, location sited, and whether the person has a shopping cart or pet. To collect additional basic descriptive information on the homeless population, the City relies on separate efforts, including Project Homeless Connect, a service and referral program that has a survey component. This includes information on a homeless person's number of minor children, income sources, public benefits, and health status (including mental health and substance abuse), among others. In addition, homeless outreach teams of DPH also collect information on the characteristics of the clients they interact with on the street. Although this information can assist service planning, the fact that these surveys are not coupled with a census results in ambiguity about the representativeness of the respondents relative to the entire population.

CONCLUSION

The methodology that DHS currently follows to count the City's homeless population is based on practices recommended by HUD. The methodology has well known shortcomings, including reliance on enumerator judgement in identifying homeless people, exclusion of abandoned buildings, and selective coverage of "known locations" rather than complete coverage of the jurisdiction. Despite this, the methodology is basically sound.

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[18] San Francisco Park Code Section 3.12. "No person shall construct or maintain any building, structure, tent or any other thing in any park that may be used for housing accommodations or camping, except by permission from the Recreation and Park Department or Commission." (Added by Ord. 603-81, App. 12/18/81)
[19] Coalition on Homelessness, San Francisco, based on information obtained through a California Public Records Act request.

DHS faces many challenges in the implementation of the count, and does not currently have sufficient systems in place to estimate the number of homeless people missed by the count. As such, its accuracy can be called into question. The possibility of inconsistent implementation and the methodological changes from 2002 to 2005 raise additional questions about the count-to-count comparability of the results. However, the count of the sheltered population is straightforward, so in the absence of evidence to the contrary, can reasonably be assumed to be accurate and consistent. It is difficult to assess the accuracy of the street count without additional information, particularly regarding the reliability of identifying the homeless visually, the thoroughness of the known locations, and the exclusion of abandoned buildings. The risk of not counting individuals in the unsheltered population that reside in locations difficult for enumerators to access can be addressed in future counts by easy-to-implement means of estimating this number, described further below.

Increasing the frequency of the count would help illuminate consistent patterns in the data, but require the allocation of additional resources to DHS[20]. Also, expanding the count to include all elements of the population covered in the City's official definition, opposed to HUD's, would enable broader consideration of the homelessness problem.

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RECOMMENDATIONS

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The Office of the Legislative Analyst recommends that the Board of Supervisors or DHS consider the following:

-   Heighten the role of an independent advisory body, such as the Human Services Commission, in the count methodology and implementation.

-   Install measures to estimate the number of people missed by the count. Possible approaches include the use of confederates in observable locations who subsequently report whether they encountered enumerators, and interviews with unsheltered homeless following the count to determine how many stayed in hidden locations that would not have been covered by the enumerators, such as abandoned buildings.

-   Increase the frequency of the counts and conduct counts during fair weather months. Consider implementing counts in designated areas by outreach teams, which although serving a different purpose than citywide counts, have proven useful in other cities for measuring progress in specified areas.

-   Establish a reliable and comprehensive method of counting the homeless in public parks.

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[20] A private contractor, Applied Survey Systems, conducted a count, survey, and needs assessment in 2004 for Santa Clara County at a cost of $167,000.

-   Verify that the benefits outweigh the costs of excluding abandoned buildings in the public places enumeration. Although it is generally accepted that excluding abandoned buildings is a reasonable tradeoff for safety's sake, one study conducted in Houston found 60% of the total homeless population dwelling in abandoned buildings[21].

-   Develop service-based counts, which would require directing DPH to develop a registry of homeless clients across its numerous data systems. Expand HMIS to include street outreach.

-   Implement an unduplicated period prevalence count, which will likely reveal a much more substantial homeless population. For example, the 2005 point-in-time count identified 1,754 shelter occupants, whereas DHS reported 9,005 unduplicated individuals using shelters in 2004.

-   Attach a survey element, which could be done on a sample basis, to the point-in-time count. Although the survey components of Project Homeless Connect and the homeless outreach teams gather some information, its representativeness cannot be established and therefore is of limited value.

-   Enlist the participation of the homeless or formerly homeless in planning, enumeration, or survey efforts.

-   Allow enumerators to interact with observed individuals to conduct screening for housing status. In the absence of interaction between the enumerators and those observed, pretest the guidance given to enumerators for visually identifying the homeless.

-   Assess the costs, benefits, and feasibility of expanding the count, which is currently geared to the HUD definition, to include all individuals defined by the City as homeless (see Appendix A). Notably, the current count does not include families that are doubled up or that reside in private SROs.

-   Using HMIS, CHANGES, and street count resources, provide a more comprehensive profile of the City's sheltered and unsheltered homeless populations, including the characteristics measured for HUD (such as serious mental illness, chronic substance abuse, veteran status, persons with HIV/AIDS, victims of domestic violence, unaccompanied youth, and families with children), the number of families on shelter waiting lists, and period prevalence counts.

-   Stabilize methodology to ensure consistency count-to-count.

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[21] "Practical Methods for Counting the Homeless: A Manual for State and Local Jurisdictions." The Urban Institute. 1996

Appendix A – City and County of San Francisco Definition of Homelessness

Note: Poverty is the major cause of homelessness. In order to reach a definition of homelessness, this root cause must be addressed. These definitions are not meant to supersede or replace definitions of homelessness and chronic homelessness that have been set forth by funding sources, contractual agreements, or existing data collection systems.

HOMELESSNESS [1]	
The term "homeless" includes individuals or families who lack a fixed, regular, and adequate nighttime residence and who have a primary nighttime residence in one or more of the following categories:	
Shelter	• Anyone staying in a mission or homeless or domestic violence shelter, i.e., a supervised public or private facility that provides temporary living accommodations. • Anyone displaced from housing due to a disaster situation.
Street	Anyone staying outdoors; for example, street, sidewalk, doorway, park, freeway underpass.
Vehicle	Anyone staying in a car, van, bus, truck, RV, or similar vehicle.
Make-Shift	Anyone staying in an enclosure or structure that is not authorized or fit for human habitation by building or housing codes, including abandoned buildings ("squats") or sub-standard apartments and dwellings.
Doubled-Up	• Anyone staying with friends and/or extended family members (excluding parents and children), because they are otherwise unable to obtain housing, or • Any family with children staying in a Single Room Occupancy (SRO) hotel room – whether or not they have tenancy rights, or • Anyone staying in temporary housing for less than 6 months, and the accommodations provided the person are substandard or inadequate, for example, garage, small room, overly crowded space.
Transitional	• Anyone staying in a Single Room Occupancy (SRO) hotel room without tenancy rights, or • Anyone formerly homeless (formerly in one of the above categories) who is now incarcerated, hospitalized, or living in a treatment program, half-way house, transitional housing or • Anyone formerly homeless (formerly in one of the above categories) who has obtained supportive housing or permanent housing for less than 30 days. While we recognize that the issues that brought people to homelessness may take a lifetime to overcome, we believe that at a minimum, 90 days of wrap-around aftercare services should be provided for individuals exiting homelessness into permanent housing.

CHRONIC HOMELESSNESS [2]
An individual or family who has been continuously homeless for at least one year, or has been homeless on at least 4 separate occasions in the last 3 years.

[1]   Homeless definition adopted by Board of Supervisors 12-17-01, Approved by Mayor Willie L. Brown 12-28-01, File No. 012191, Gloria L. Young, Clerk of the Board

[2]   Chronically Homeless definition adopted by DPH 01-11-05, Approved by Homeless Cluster Group of 10 Year Plan to End Chronic Homelessness 01-26-05

Appendix B - San Francisco Homeless Count 2005 Final Report

San Francisco Homeless Count 2005
Final Report

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San Francisco Department of Human Services

March 18, 2005

Acknowledgements

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Introduction

San Francisco's homeless count, conducted on January 25, 2005, consisted of a point-in-time census of the street population and homeless persons residing in shelters, resource centers, transitional housing, mental health and substance abuse treatment beds, San Francisco General Hospital and the County Jail.

The U.S. Department of Housing and Urban Development (HUD) requires all jurisdictions that receive McKinney-Vento Act Continuum of Care funding to submit detailed information on their homeless populations, both sheltered and unsheltered, as part of annual funding applications. Beginning in 2005, HUD will require the count to be conducted bi-annually at a minimum. The 2004 funding application specified that jurisdictions were to conduct their 2005 count in the final week of January 2005.

For sheltered homeless people, Continuums of Care (CoCs) are instructed to count all adults, children, and unaccompanied youth residing in emergency shelters and transitional housing, including domestic violence shelters, residential programs for runaway/homeless youth, and any hotel/motel/apartment voucher arrangements paid by a public/private agency because the person is homeless. For unsheltered homeless people, CoCs are instructed to count all adults, children and unaccompanied youth sleeping in places not meant for human habitation, which include:

> Streets, alleys, parks, parking ramps, parts of the highway system, transportation depots and other parts of transportation systems (e.g. subway tunnels, railroad cars), all-night commercial establishments (e.g. move theaters, laundromats, restaurants), abandoned buildings, building roofs or stairwells, chicken coops and other farm outbuildings, caves, campgrounds, vehicles and other similar places. (2004 CoC application)

While HUD does not require reporting on the number of homeless persons residing in hospitals, jails, and treatment facilities, San Francisco opted to include these homeless persons in its count for the purpose of more accurately capturing the full current extent of homelessness in San Francisco.

Street Count

Methodology

In designing its street count methodology, San Francisco drew upon best practices as detailed in a recent HUD publication, *A Guide to Counting Unsheltered Homeless People.*[1]

San Francisco selected a "simple street count" methodology (directly observed count of persons in non-shelter, non-service locations) using the "public places method". The need to cover a large area with a limited number of volunteers prevented surveying or interviewing the persons counted. An unrelated effort, Project Homeless Connect, provides an opportunity for in-depth data collection on the service needs and housing histories of unsheltered homeless persons.

Public places counts are conducted at "known locations" (those areas where homeless people are reported to congregate) and/or strive for "complete coverage" (where every part of a

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[1] Abt Associates. October 2004. *A Guide to Counting Unsheltered Homeless People.* U.S. Department of Housing and Urban Development.

specified geography, such as an entire downtown area, is covered). San Francisco combined these two approaches by providing complete coverage in more densely populated and commercial areas, and selected coverage focusing on known locations or "hotspots" in more sparsely populated and residential areas (see "Areas Covered" below).

> "Communities often pair the complete coverage of one geographic location with a count of homeless people at known locations in outlying areas. For example, a CoC may send enumerators up and down every street in a downtown area, and send groups to outlying parts of the city where homeless people are known to live and sleep." (Abt Associates 2004)

Timing of Count
San Francisco's street count was conducted from 8 p.m. until 12 a.m. on the night of Tuesday, January 25, 2005. As mentioned above, HUD recommended that all jurisdictions conduct their homeless counts during the final week of January 2005.

HUD prescribed that the count be conducted:

- *at night*, when those who utilize shelters are in for the night, to minimize the risk of double counting the population that utilizes shelters.
- *during winter* because winter has historically been a time of peak shelter use across the nation. The shelter census and street counts are conducted simultaneously, so that both the sheltered and unsheltered population are captured.
- *on a weeknight* to minimize the disruption caused by high pedestrian traffic or special events that attract visitors.
- *during the final week of the month* so that those who use public benefits or limited income to rent transient housing for part of the month will not be missed. (Abt Associates 2004)

Volunteer Recruitment and Training
To conduct the street count, the Human Services Agency (HSA) recruited approximately 250 volunteers. A "Save the Date" announcement was e-mailed and mailed to more than 1,500 non-profit homeless service provider agency and government agency employees approximately one month prior to the count, with potential volunteers asked to RSVP. Volunteers included City employees, homeless service provider staff, and members of the general public.

On the night of the count, volunteers were provided training on whom and how to count to ensure a uniform methodology. A handout entitled "Homeless Count 2005 Volunteer Instructions" was provided to each volunteer (see Attachment 1). In addition to detailed instructions on how to count, the handout provided a sample tally sheet and safety information and contact phone numbers for assistance during the count.

Logistics
Teams of 2-3 volunteers covered routes of approximately six to thirty blocks each, with routes in commercial and well-populated routes covered on foot and more sparsely populated and residential areas covered by car. Volunteers either self-selected as teams or were paired based on experience (newer volunteers paired with those who had volunteered before). Each team was provided a map of its route and tally sheets to record basic demographic information and the location of each person counted (intersection or street address). See tally sheet, Attachment 2. In addition, at least one person on each team had a cell phone available for their use during the count.

Who was counted

Volunteers were instructed how to assess whether a person encountered was homeless. The following factors, alone and in combination, were to be considered:

- Walking or standing "with no purpose" (loitering)
- Panhandling (with or without cup/sign)
- Carrying bags, backpacks, garbage bags, suitcases, blankets, and/or bedrolls
- With shopping cart containing personal belongings
- Recycling, especially large numbers of items
- Sleeping on the street
- Disheveled
- Inebriated/passed out on sidewalk

Special instructions were provided for those living in vehicles, tents, and other makeshift dwellings. For safety reasons, volunteers were told not to enter abandoned buildings – many such buildings in San Francisco are structurally unsound and/or are sites of illegal activity. Also for safety reasons, volunteers were advised not to enter parks, but instead to count persons that are observable from the sidewalk (a census of persons sleeping in Golden Gate Park was conducted the following morning by park staff and is included in the final street count numbers). Flashlights were provided to volunteers to allow them to count homeless individuals in dimly or unlit areas, such as parks, from afar.

Areas covered

In preparation for the count, DHS staff collected information regarding areas where homeless persons regularly congregate. Information on known encampments and "hot spots" was provided by the Police Department, homeless outreach teams, currently and formerly homeless persons, staff of members Board of Supervisors and members of the general public (as documented by agency staff). In addition, DHS "pre-tested" locations throughout the City during evening hours in the weeks preceding the count.

> "Pre-screening or pre-testing the selected study areas will produce better enumeration results. Pre-screening will alert organizers to any problems or issues in each study area, including hidden locations that enumerators might overlook and differing patterns of use between the day or night."
> (Abt Associates 2004)

Based on the information gathered from the above described sources and collected during pre-testing, DHS devised more than 100 counting routes spanning all eleven supervisorial districts. Complete or near-complete coverage was provided in densely populated and/or commercial districts with higher known concentrations of homeless persons (Districts 3, 5, 6, 8, 9, and 10), while more residential districts with a lower homeless presence received selective coverage that focused on identified areas where homeless tend to congregate (Districts 1, 2, 4, 7, and 11). Volunteer maps were annotated with information regarding encampments and hotspots so that they would be sure to count persons at these locations.

Methodology Shortcomings

Point-in-time counts are "snap shots" of the homeless population and as such may or may not be representative of the homeless population over time. Other concerns regarding point-in-time counts and the methodology chosen include:

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- Volunteers may miss homeless persons if they are hidden or obscured (especially in inclement weather);
- The exclusion of parks and abandoned buildings due to concerns about volunteer safety may result in an undercount;
- A "known locations" or hotspots approach risks missing homeless persons in other, less frequented locations;
- Subjective assessments regarding who is homeless assure some margin of error in the final count (some assessed as homeless may be housed, while some who are in fact homeless may not appear to be).

Despite these shortcomings, the count does provide the City with information regarding the trend of the number of homeless over time. Because this and previous years' counts were conducted in the same manner and around the same time of the year, the current results provide a sound basis for comparison and enable us to conclude with confidence that the number of homeless in San Francisco has declined over the past two years.

Street Count Results

Volunteers counted an unduplicated total of **2,497** persons on the street. The adjusted total (see footnote number 3 on the following page) was **2,655**. District and demographic breakdowns of the unsheltered persons counted follow. The following map details the concentration of homeless people counted across the routes.

Homeless Count 2005

Percent of the Homeless Population
- 0.04% - 0.32%
- 0.33% - 0.96%
- 0.97% - 1.84%
- 1.85% - 3.04%
- 3.05% - 4.93%

0   2   4   8 Miles

Produced by J. Murray, H.S.A. Finance & Planning, 5/2005.

7
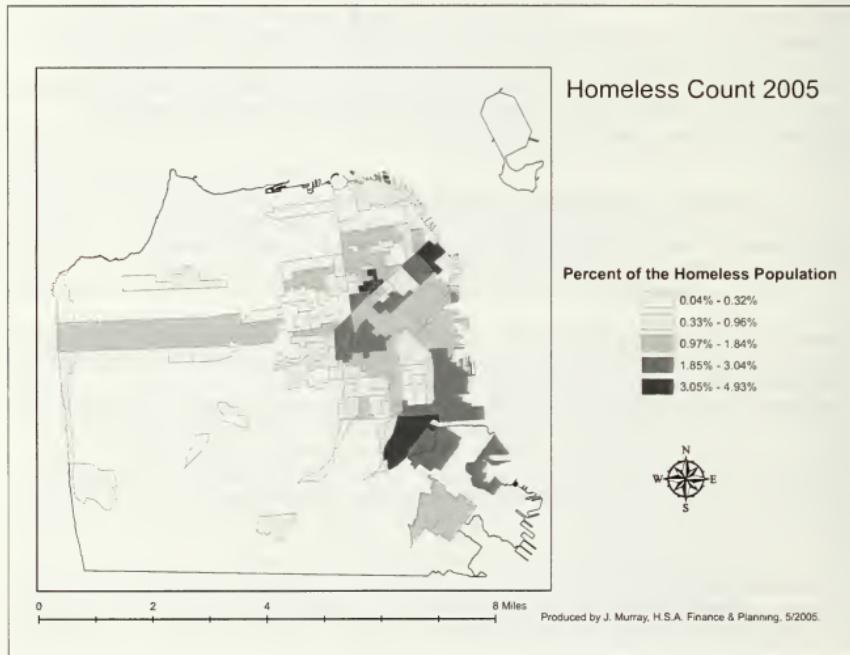
Street Population By District: 2000-2005

The results of the street count conducted on January 25, 2005 (shaded area) are presented below alongside results from previous counts for purposes of comparison.

District	4/27/00[2]	10/25/00	10/25/01	10/29/02	1/25/05	Adjusted 2005[3]
1 (including Golden Gate Park)	N/A	3	69	127	75	76
2	N/A	46	92	96	22	79
3	N/A	80	280	444	166	167
4	N/A	9	161	331	34	97
5	N/A	136	233	569	109	110
6	N/A	1,004	1,158	1,071	1,232	1,233
7	N/A	9	34	266	10	25
8	N/A	113	108	374	158	159
9	N/A	205	238	249	191	192
10	N/A	412	733	811	483	484
11	N/A	9	50	197	17	34
Unsure		7				
TOTAL	1,805	2,033	3,156	4,535	2,497	2,655

2005 Street Population By Gender, Race, Family Status and Age

Gender				Race/Ethnicity						Family Status			Age		
F	M	T	U	A	B	L	O	U	W	F	S	U	A	U	Y
14.9%	65.3%	.5%	19.3%	1.4%	36.4%	6.8%	.6%	23.3%	31.5%	1.7%	83.9%	14.5%	80.3%	18.9%	.8%

F=Female
M=Male
T=Transgendered
U=Unsure

A=Asian
B=Black
L=Latino
O=Other
U=Unknown
W=White

F=Family
S=Single
U=Unknown

A=Adult (18+)
U=Unknown
Y=Youth (<18)

Shelters and Transitional Housing

A total of 1,754 unduplicated persons were recorded as utilizing emergency shelters and a total of 768 were recorded as utilizing transitional housing on the night of January 25, 2005. Information on the shelter population for the night of January 25, 2005 was collected from the City's Homeless Management Information System (HMIS), CHANGES, as well as an independent survey conducted by HomeBase under contract with DHS. Information on residents of transitional housing during the night of January 25, 2005 was collected as part of the independent survey conducted by HomeBase under contract with DHS.

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[2] The report for the count conducted on April 27,2000 did not include a breakdown by district.
[3] Because the volunteer street count provided only partial coverage in some districts as described above, the final count includes an adjustment factor for those districts (see italics). The adjustment factor is based on the relative rates of homelessness in the 11 districts as recorded in the three counts conducted in 2000 and 2001 (the 2002 count was not included in this calculation because the numbers recorded were widely divergent with the numbers observed in 2000, 2001, and 2005, which were more consistent). The overall adjustment was +6.3% (from 2,497 to 2,655).

Resource Centers

A total of 192 persons were counted as being in Resource Centers on the night of the homeless count. Information on the population counted in 24 hour resource centers is based on the number of persons counted in 24 hour resource centers at 12:00 AM on the night of the homeless count as reported to DHS by Coordinated Referral, a program of CATS.

Treatment Facilities

A total of 373 persons were recorded as utilizing treatment beds on the night of the homeless count. Information on the number of homeless persons in residential treatment was provided by the Department of Public Health and based on those who self-declared as homeless upon intake. Treatment facilities included inpatient psychiatric services, Acute Diversion Units, medically-assisted and social model detox facilities, and residential drug treatment facilities.

SF General

A total of 91 homeless persons were recorded as utilizing hospital inpatient services on the night of the homeless count. Information on the number of homeless persons inpatient at General on the night of the Count was provided by the Medical Discharge Social Work unit of General Hospital and based on those that self-declared as homeless upon admission to the Hospital.

Jail

A total of 415 homeless persons were incarcerated in the San Francisco County Jail system on the night of the count. Information on the number of persons in jail was provided by Jail Health Services and based on those that self-declared as homeless upon incarceration.

Summary: 2005 Homeless Count

Combining all of the categories noted above, a total of **6,248** individuals were identified as homeless in the 2005 count. The results of the homeless count conducted on January 25, 2005 (shaded area) appear in the table below. The 2002 count results also appear in the table for purposes of comparison.

	Single Adults	Persons In Families	Total 2005	2002	% Change
Street	2,613	42	2,655	4,535	- 41%
Emergency Shelter	1,434	320	1,754	2,308	- 8%[4]
Transitional Housing and Treatment	897	244	1,141	1,365	- 16%
Resource Centers	192	0	192	331	- 42%
Jail	415	0	415	Not reported	N/A
SF General Hospital	91	0	91	101	- 10%
Total	5,642	606	6,248	8,640	- 28%

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[4]2002 Shelter numbers included 395 persons on the Connecting Point wait list, which includes families living doubled up with family/friends. These numbers were not included in the 2005 count. The percent change includes the decline in numbers of persons utilizing emergency shelter only.

HOMELESS COUNT 2005
VOLUNTEER INSTRUCTIONS

Welcome and thank you for volunteering for Homeless Count 2005. The following instructions are provided for your use during the Count.

TEAMS

Teams must contain at least two persons, and at least one of the two people must be carrying a cell phone. If you are volunteering alone and have not yet been matched up with a partner or team, we will find a partner for you. Generally, one team member takes responsibility for completing the tally sheet as the count proceeds, while the other(s) navigate the route and look for persons to count.

YOUR ROUTE

Your team will be provided a route map. Each team is responsible for all of the square blocks within the outlined area (not only the periphery). When you get to the outer boundary of your map, cover that side of the street only (the side closest to the rest of your route). Do not cross the street.

Some routes are notated with comments regarding known "hot spots" or encampments where homeless people are known to congregate. This information is provided so that you 1) will pay special attention to these areas and 2) so that you can exercise appropriate caution. **Do not limit your count to these places.**

WHOM TO COUNT

Counting requires subjective judgments as to who is homeless. The following factors, alone and in combination, should be considered when deciding when to count an individual.

- Walking or standing "with no purpose" (loitering)
- Panhandling (with or without cup/sign)
- Carrying bags/backbacks/garbage bags/suitcases/blankets/bedrolls
- With shopping cart containing personal belongings
- Recycling, especially large numbers of items
- Sleeping on the street
- Vehicles with windows covered (see below)
- Tents (see below)

- Makeshift lean-tos (see below)
- Boxes (see below)
- Disheveled
- Inebriated/passed out on sidewalk

DO NOT (AUTOMATICALLY) COUNT
- People engaged in illegal activities (drug activity, prostitution)
- People leaving bars/other establishments
- People waiting for busses

HOW TO COUNT

CARS (VEHICULARLY HOUSED)
On some routes, most of the homeless persons counted will be living in cars, vans, trailers and campers. Use your judgment as to whether to count these bearing in mind the following criteria:

- The vehicle's windows are covered
- The vehicle is very crammed/cluttered
- The vehicle is occupied but obviously not operational
- The camper/trailer is not attached to a cab
- The camper/trailer is parked in a desolate area and/or near an encampment

Do not approach the vehicle. Assume two persons per vehicle. Mark "unsure" for gender, race/ethnicity, single/family, and age.

TENTS, OTHER STRUCTURES
As with vehicles, do not approach. Assume two persons per structure. Mark "unsure" for gender, race/ethnicity, single/family, and age.

COMMERCIAL ESTABLISHMENTS
If there is a commercial establishment on your route likely to attract homeless people (e.g. fast food restaurants, transportation depots), enter and count as safety allows.

PARKS
Do not enter parks, even if they are on your route map.

ALLEYS
Do not enter "dead end" alleys on foot or in cars. Observe as much as possible from a safe distance and make reasonable assumptions.

DRIVING ROUTES

- If you are responsible for a driving route, you may, as time and safety precautions permit, decide to park your vehicle and walk part(s) of the

route (e.g. commercial districts) to get a more accurate count. Do NOT exit your car in desolate area. Use discretion in deciding whether to get out of your car.

- If an on-ramp is part of your route (driving routes only), count from the car at the base of the on-ramp. Do not get on the freeway.

TALLYING YOUR COUNT

You will be provided tally sheets for your route. Please fill out one line of the tally sheet for each person observed. Most of the information is check boxes or yes/no. Under location, please provide an intersection or street address where the person was observed. Please see the attached sample.

SAFETY/EMERGENCIES

Do not engage anyone during the course of the count.

If your personal safety seems in jeopardy at any time, call Lt. Lazar at 519-1367. Volunteers in the Tenderloin should call 713-0847.

If someone on the street appears to need medical attention, call the dispatch center contact (760-1390), who will then contact paramedics.

If you are asked about your activities, you should reply "We're counting homeless persons so we can get more funding for our City for services," and continue on your way.

For any other issues that come up as you count, call the dispatch center at (415) 725-1354.

ATTACHMENT 2: TALLY SHEET

San Francisco Homeless Count 1/25/05

District _____ Route Number _____

Directions: Fill in one line per person counted.

	Genders				Race/Ethnicity							Single or Family		Age			Encampment[2]		Car[3]		Shopping Cart?		Pets?		Location/Intersection or Street Address
	M	F	T	U	B	W	L	A	O	U		Single Adult	Person in Family	Youth[1]	Adult	U									
1																	Y N	Y N	Y N	Y N		
2																	Y N	Y N	Y N	Y N		
3																	Y N	Y N	Y N	Y N		
4																	Y N	Y N	Y N	Y N		
5																	Y N	Y N	Y N	Y N		
6																	Y N	Y N	Y N	Y N		
7																	Y N	Y N	Y N	Y N		
8																	Y N	Y N	Y N	Y N		
9																	Y N	Y N	Y N	Y N		
10																	Y N	Y N	Y N	Y N		
11																	Y N	Y N	Y N	Y N		
12																	Y N	Y N	Y N	Y N		
13																	Y N	Y N	Y N	Y N		
14																	Y N	Y N	Y N	Y N		
15																	Y N	Y N	Y N	Y N		
16																	Y N	Y N	Y N	Y N		
17																	Y N	Y N	Y N	Y N		
18																	Y N	Y N	Y N	Y N		
19																	Y N	Y N	Y N	Y N		
20																	Y N	Y N	Y N	Y N		
21																	Y N	Y N	Y N	Y N		
22																	Y N	Y N	Y N	Y N		
23																	Y N	Y N	Y N	Y N		
24																	Y N	Y N	Y N	Y N		
25																	Y N	Y N	Y N	Y N		

M=Male
F=Female
T=Transgender
U=Unsure

B=Black
W=White
L=Latino
A=Asian

O=Other
U=Unsure

[1] Youth = under 18 years of age
[2] Encampments are communities of five or more homeless persons in a group of tents or other living structures. Circle Y(es) or N(o).
[3] Car: Circle Y(es) or N(o). Count two persons for each car being used as a dwelling (one line each)

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CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS

OFFICE OF THE LEGISLATIVE ANALYST

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Andrew Murray, Office of the Legislative Analyst
Date: September 26, 2005
Re: **Feasibility of Housing Above Retail** (BOS File No. 051203) (OLA No. 050-05)

SUMMARY OF REQUESTED ACTION

The Board passed a motion introduced by Supervisor Dufty requesting that the Office of the Legislative Analyst research, analyze, and gather data on housing above retail. Particularly, how have other municipalities dealt with this issue, have other cities (including Seattle and Portland) offered incentives to encourage housing above retail, and have the incentives been successful?

EXECUTIVE SUMMARY

Given record residential sale prices, in many cases market forces alone are sufficient to promote housing development on virgin or vacant parcels. However, market forces have not alone incentivized the quick transformation in San Francisco of large, low intensity sites to those with housing. For this reason, groups advocating for housing are encouraging legislators to create incentives to encourage this redevelopment, particularly of sites currently occupied by large grocery stores with surface parking.

Portland, Seattle, and Vancouver have witnessed a number of mixed-use projects involving grocery stores and housing, a handful on redeveloped sites formerly occupied by grocery stores. City planners and developers indicated that this redevelopment was usually not due to particular incentives offered by the jurisdictions, but rather the right combination of market forces and development partners. Nonetheless, there are steps that jurisdictions can take to help encourage specific patterns of redevelopment.

BACKGROUND

According to Simon Alejandrino of local real estate and urban development consultancy Bay Area Economics, "Given the current market, developers are actively pursuing high-density residential development throughout the region if they can find a site." This is true in San Francisco, where residential dwellings, including mixed-use structures, are being built in almost every Neighborhood Commercial[1] district throughout the City. However, the absence of undeveloped parcels, along with uncertainty, length of the permit process, and neighborhood opposition[2], have nonetheless contributed

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[1] Neighborhood Commercial districts are commercial centers where everyday goods and services are located within close proximity to residential neighborhoods. They often include uses such as professional and business offices, retail and service shops, child care, community facilities, financial institutions, and residential clusters.
[2] "Planning for Housing in San Francisco," City and County of San Francisco Planning Department

to a situation in which housing stock growth has not kept pace with population growth. For example, from 1990 to 2000, San Francisco's population increased by approximately 50,000 people, while the housing stock only increased by an amount sufficient to accommodate half that number.[3] (For additional information, please refer to the Office of the Legislative Analyst's June 2003 report, "San Francisco Housing Development," www.sfgov.org/site/bdsupvrs_page.asp?id=17966)

In 2002, the San Francisco Planning Department released a Citywide Action Plan (CAP) that provided guidance on how to meet the City's need for jobs and housing. The plan noted that although there are few undeveloped parcels in the City appropriate for housing, there are significant opportunities to redevelop existing low intensity uses, such as grocery stores and strip shopping centers (in many cases containing substantial surface parking), to heighten intensity and incorporate housing. The department found that such low intensity sites occupied nearly 100 acres. Subsequent to these findings, in 2003 the San Francisco Planning and Urban Research Association (SPUR) issued an article noting that many of the buildings on these sites are reaching the end of their useful lives, having been constructed 20 – 40 years ago, and might soon need significant rebuilding.

The housing potential of these sites is considerable. The Planning Department estimates that 4,500 units could be created through the redevelopment of all large, underutilized sites in Neighborhood Commercial districts citywide, or 2,000 – 3,000 on sites currently occupied by grocery stores alone.[4] Many of the sites are suitable and attractive for significant housing development, as they are located on transit corridors and their current low intensity with surface parking can be disruptive of the urban fabric of neighborhoods.

Despite this opportunity, zoning requirements that encourage housing development[5], and market pressure for additional housing, few of these low-intensity sites are being redeveloped as mixed use. Some have recently been renovated but remain single use, single story. Also, a number of mixed use projects that include housing and grocery stores have recently been created, but most did not occur on sites formerly occupied by grocery stores or other viable retail uses.

A number of barriers hinder this redevelopment. It might simply not be profitable to redevelop the site if development costs are high and it requires closing a viable retail establishment for a long period during construction. Also, property owners, either as landlords or operators of the business on site, might not want to tackle the complexities of significantly altering the building or developing a mixed-use project. Most mixed-use projects are built on land that developers acquire with construction in mind. It is much less common for retailers that own the site to undertake complex development. Chain retailers, which many grocery stores are, particularly like familiar store prototypes, and are hesitant to experiment with new models.[6] Also, large grocery stores are much more likely to own the land on which they are situated than are other and smaller retailers.

[3] "Our Housing Crisis: The Developer's Perspective", San Francisco Planning and Urban Research Association, 2001
[4] Joshua Switzky, City and County of San Francisco Planning Department
[5] The City has multiple zoning districts that require housing to be built if non-residential uses are proposed. These include the Van Ness Special Use District, the Rincon Hill Downtown Residential District, and the Residential/Service Mixed Use District. The first two have a requirement of 6 square feet of housing for every 1 square foot of nonresidential use, and the latter has a requirement of 3:1.
[6] Simon Alejandrino, Bay Area Economics

An additional barrier to this redevelopment is neighborhood opposition to high-density buildings, which can result in design limitations that make a project infeasible from the developer's perspective. This opposition is in part due to perceptions that high-density housing will create more traffic, less parking, school crowding, blocked views, and less open space.[7] High-density housing projects are also often associated in the public mind with lower socioeconomic residents, who are suspected of being prone to less desirable activities.[8] Partially as a result of neighborhood opposition, housing densities fell in San Francisco for homes built between 1995 and 1999 compared to pre-1995 housing stock.[9] The market has also been a factor in lower densities – larger units are commanding a higher price per square foot than smaller units[10], providing incentive to develop fewer, but larger, units for a given space. This is a recent phenomenon that might not last.

There has also been substantial opposition from neighbors, merchants, and local elected officials to new large retail uses. Chain retailers have been barred from some of the City's districts. Because every neighborhood needs a grocery store, and residents are familiar with and generally receptive to their presence, creating mixed use sites containing grocery stores as the retail component might be more acceptable than projects with other retail, particularly "big box" retail.

The SPUR report stated that "Seattle, Portland, and Vancouver have each seen a wave of new and rehabbed grocery stores developed in more urban mixed-use models. All of these cities have planning code controls that encourage and sometimes require a mixture of housing with commercial development. Fortunately, almost all of the mixed-use grocery store projects to date in Portland and Seattle have materialized due to strong initiative from the development community…"[11] Therefore, although these cities have incentives to promote mixed use development and redevelopment, it is not clear to what degree incentives provided to developers have resulted in redevelopment of low-intensity sites opposed to market forces alone.

INCENTIVES

Incentives can generally do two things to encourage development, reduce costs or increase potential revenues. Relaxing existed zoning and planning regulations can have both effects. Such relaxation (referred to as "incentive zoning") can address requirements of the building size, density, and location. By modifying requirements, jurisdictions can make the environment ripe for residential and mixed-use projects. Without relaxing requirements, developers could be incentivized through education, financial incentives, permit streamlining, and other mechanisms. Some are likely more acceptable than others to different stakeholder groups. Notably, municipal actions that signal that high-density mixed-use development is welcome reduce uncertainty, which equates to risk for developers and their financial

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[7] "Building Better Communities With Well-Planned Density: What Works, What Doesn't", National Multi Housing Council, 2002
[8] "Building Better Communities With Well-Planned Density: What Works, What Doesn't", National Multi Housing Council, 2002
[9] "Estimating the Housing Infill Capacity of the Bay Area", Working Paper, Juan Sandoval and John Landis, 2000
[10] Kate Funk, Keyser Marston Associates
[11] "Large Retail Commercial Sites in San Francisco: Issues and Opportunities," San Francisco Planning and Urban Research Association, July 1, 2003

backers, and provide encouragement. Some incentives that could be used to promote the redevelopment of grocery sites include those described below.

<u>Zoning Changes</u>

- Allowable uses – zoning regulations dictate what uses are allowable in different districts "as-of-right" or with conditional approval (conditional use), which often involves a lengthy public hearing process. In cases where mixed-use development is conditional, changing it to as-of-right would simplify mixed-use project approval. Zoning to require mixed-use development would be a stronger approach, requiring the developer to demonstrate that mixed use is not feasible and obtain a variance for a single-use development. Note that the conditional use approval process is one of many levers in a project that involve public input. Others include design review and approval of CEQA findings. (Although approvals of CEQA findings are not intended to be forums for public input on design, they have served as such in some cases.) Note that in San Francisco there is no formal design review opportunity for public input for projects that do not require conditional use approval. If conditional use restrictions were lessened, an alternative public design review process would likely be desirable.

- Density allowances – relaxing the density restrictions (often expressed as maximum number of dwelling units per acre) of residential units. The State currently requires cities to grant higher densities to projects that contain a certain amount of affordable housing. Cities have also relaxed density restrictions in order to encourage the development of housing over retail.[12]

- Physical exemptions - relaxing building envelope restrictions (e.g., setbacks, height restrictions, lot coverage limits, rear yard requirements, and floor-area-ratio) allows a larger building on a site, which in turn allows more units. Changes to density and envelope restrictions can be addressed through overlay zoning or the creation of a special use district (SUD), which can cover neighborhoods or single, large lots.

- Parking and signage limitations – some cities impose restrictions, which can be relaxed, on the allowable amount of parking and size and design of signage, two issues of particular interest to retailers.

- Specific plans (also referred to as precise plans or area plans) – creating plans for specific subregions of a jurisdiction, the contents of which can be crafted to explicitly encourage certain types of development. The development of specific plans can signal the City's desire to developers.

- Underlying zoning – an alternative to creating special use districts or floating overlays is changing the underlying zoning of districts.

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[12] Paul Zykofsky, Local Government Commission

<u>Other Incentives</u>

- Analysis – requiring that developers analyze the feasibility of incorporating desirable elements, such as mixed use, into projects.

- Design guidelines - design guidelines dictate elements of a building's design to clarify for developers and plan reviewers desirable characteristics. This helps to reduce the developer's uncertainty regarding the design review process. Specific plans, discussed above, often include design guidelines. Note that in many cities design guidelines are non-binding and adhering to them does not guarantee design approval.

- Education – outreach to developers about underutilized sites signals a jurisdiction's ambitions and can reduce uncertainty about project approval. Also, city planners can educate developers of the benefits of mixed use during project planning. Kate Funk of real estate advisory firm Keyser Marston Associates notes that "Many property owners are passive. Tinkering with economic incentives is not the biggest need; it's education, awareness and changing perceptions about the obstacles, etc." This presupposes that the community (i.e., elected officials, planning commission, and public) does, in fact, support mixed-use projects.

- Facilitation – cities can actively recruit developers for underutilized sites and otherwise attempt to shepherd projects. Even where mixed use is not required, staff can encourage projects to adopt mixed use.

- Financial incentives – rebating or reducing fees related to development or providing tax credits (such as property tax). Nonprofit developers already enjoy such fee reductions in some jurisdictions, including San Francisco.

- Permit/Process streamlining – relaxing hearing processes or requirements (including eliminating conditional use designations, discussed above). Streamlining can include setting a time limit on permit processing, prioritizing the review of certain types of projects, assigning staff to shepherd projects, and preparing environmental impact reports in advance for specific plans rather than on a per project basis.

- Redevelopment agency involvement - redevelopment agencies can contribute to the redevelopment of sites in numerous ways, from using urban renewal funds to offset project costs and close financing gaps to purchasing sites outright and overseeing redevelopment.

<u>SPUR Proposal</u>

A 2004 SPUR report[13] proposed incentives that the City could employ to encourage the development of housing as part of the redevelopment of low intensity sites. The incentives included a number of those described above, such as increasing height limits, eliminating density restrictions, allowing greater

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[13] "Housing Above Retail: Creating Incentives For the Replacement of Single-Story Retail Sites with Mixed-Use Projects", San Francisco Planning and Urban Research Association, 2004

parking, allowing flexibility in signage, removing the conditional use designation for mixed use development, and providing design guidelines. In addition, for redevelopments or renovations of low intensity sites that do not contain housing, applicants requesting a conditional use authorization would be required to indicate that they have studied in good faith a mixed-use development and concluded that such a project is not economically and/or architecturally feasible.

The City Attorney's office is currently investigating whether mandating such a feasibility study, which might require that a nexus exists regarding housing near retail, is allowable.[14] Even if allowable, there is reason to believe that implementing such a requirement might be challenging, as the City would have to determine what constituted a "good faith effort" and what recourse it would pursue of non-compliant developers. In a similar case, the City of Davis stopped requiring developers to complete a study when nonresidential land was proposed for conversion to residential use. The studies regularly concluded that nonresidential development was infeasible for the site, when in fact it was likely feasible, although not as profitable as residential development.[15] The city had no means of contesting the findings. An alternative to requiring a study such as that SPUR proposes is identifying the general conditions under which the City thinks that mixed-use development makes sense and alerting developers to such.

<center>OTHER JURISDICTIONS</center>

As noted, the SPUR report indicated that Portland, Seattle, and Vancouver have seen a number of new and rehabilitated grocery stores developed as mixed use. In addition, they "have planning code controls that encourage and sometimes require a mixture of housing with commercial development." As such, it would be informative to look at the experiences of these jurisdictions and determine the success of various incentives they offer. Table 1, below, summarizes these incentives.

Table 1. Incentives for High Density Mixed Use Redevelopment	
Jurisdiction	**Incentives**
Portland	- Substantial mixed use as-of-right - Parking not required for residential in mixed use - Use of urban renewal funds to support mixed-use projects - List of underutilized sites
Seattle	- Unlimited residential density for mixed-use buildings in commercial and mixed-use zones - Height bonus for multipurpose retail in mixed-use buildings - Possible relaxation of design requirements during design review - Possible change from a lot coverage basis to a floor-area-ratio (FAR) basis benefiting mixed-use projects
Vancouver	- Director of Planning discretion to approve conditional development applications - Occasional increased height and density allowances

Portland

Portland has created a development environment that encourages mixed-use. The city has designated a substantial amount of area for mixed use as-of-right. Parking is not required for residential components of mixed use developments, which reduces the project costs or allows the retail component to have

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[14] Ms. Funk believes that such a nexus exists
[15] Katherine Hess, Community Development Administrator, City of Davis, CA

more parking, depending on the developer's preference. In specific instances, the city has used urban renewal funds to help developers close their financing gap for mixed-use site redevelopment. The Portland Development Commission (PDC) (the city's redevelopment agency) has funded or loaned funds for sidewalk enhancements, underground parking facilities, and affordable units on mixed-use redevelopment projects incorporating grocery retail.

According to Steve Dotterrer, principal planner for policy of the Portland Bureau of Planning, the city actively encouraged redevelopment of some sites by creating and disseminating a list of lots that it considered underutilized, most of which were abandoned or badly maintained. The list was developed in cooperation with the community such that it was vetted to ensure general support for the redevelopment of the sites, even if it involved the creation of new multi-story buildings. The bad condition of the sites made neighbors more accepting of redevelopment.

As noted in the SPUR report, the city is home to a number of mixed-use developments that incorporate grocery stores and housing. Many are on sites not formerly occupied by a grocery, but some other low intensity use or an abandoned site, such as the well-known Belmont Dairy project created on the site of a defunct dairy. Mr. Dotterrer noted that some of the grocery redevelopments planned at the time of the SPUR report have been cancelled or are still in the planning process. Only two were built on or near sites formerly occupied by grocery stores, neither of which appeared on the city's list of underutilized sites. In one case, the new facility was built on the surface parking lot while the old store remained active. In another case involving a Safeway store on a prime downtown lot adjacent to the art museum, the new facility was built on a nearby lot while the old store remained active.[16] No special incentives were offered by the city in the former case. The latter case involved some incentives, described below.

According to Francesca Gambetti of Portland- and Seattle-based urban development firm Shiels Obletz Johnsen, which was instrumental in the redevelopment of the downtown Safeway and the Belmont Dairy, public grants and loans were key (the Safeway project received a 10-year property tax abatement and a $3 M low-interest loan). However, the grants and loans were offered due to special circumstances of these projects not simply related to their mixed-use redevelopment nature, and would not likely be offered for less ambitious projects. For example, Belmont Dairy required cleaning a brownfield, and the downtown Safeway was part of the redevelopment of a prime three-block area that included substantial affordable housing.

Seattle

Seattle's land use code incentivizes mixed-use buildings by providing unlimited residential density for mixed-use buildings in commercial and mixed-use zones. It also encourages retail uses like grocery stores to be incorporated into such mixed-use developments by allowing buildings containing multipurpose retail uses (such as grocery stores) to have a seven foot height bonus in certain commercial zones (30 and 40 foot zones). However, certain provisions of the code implicitly discourage mixed-use

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[16] In this case, a single story Safeway occupied a parcel downtown, directly behind the city's art museum. A new multi-story, mixed-use development was built on a nearby lot occupied by low intensity uses (a single story office and other buildings).

housing development in commercial areas. For example, mixed-use buildings have restricted upper lot coverage (64%), whereas commercial buildings can cover the full lot.

Seattle has both citywide and neighborhood design guidelines. Almost all mixed-use projects are subject to design review relative to these standards. The land use code allows design requirements (except parking and height) to be relaxed during this review and approval process if it will result in a better project.

Seattle's city council is currently considering legislation (the Neighborhood Business District Strategy) crafted by the Department of Planning and Development that will address issues related to mixed-use development. One of the objectives of the strategy is to spur housing growth in neighborhood business districts. This involves a possible change in the regulation of the building envelope from a lot coverage basis to a floor-area-ratio (FAR) basis, under which mixed use projects might be allowed a greater FAR relative to other projects.

According to senior land use planner Kristian Kofoed, the city has experienced the development of a number of mixed-use buildings that incorporate grocery stores and housing. In one case, a non-grocery retail site was redeveloped into a grocery store and housing. Former grocery stores have only been redeveloped to mixed use in a few cases, including one in which a former Safeway store was rebuilt with housing above. Seattle did not offer any particular incentives to spur this project.

Vancouver

Vancouver is somewhat unique in that a Director of Planning has the authority to approve discretionary or conditional development applications (typically only rezoning applications go before City Council). This power and flexibility allows staff to review all aspects of built form including architecture, scale, landscaping, livability, and use. Therefore, opposed to San Francisco where public opposition might threaten high density or tall developments, in Vancouver such projects are more likely to secure approval.[17]

Although there has been substantial mixed-use redevelopment in commercial areas[18], Vancouver offers few particular incentives for mixed-use redevelopment. According to Larry Beasley, co-director of planning for Vancouver, "the amount of money made on the redevelopment is so dramatic that we don't

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[17] Opponents have recourse to the decisions of the Director of Planning, as all can be appealed to the Board of Variance, which hears and decides upon appeals regarding zoning, development permit, signage, parking, and other matters. The Board is independent of local elected officials and consists of five members. The Board is appointed by the City, two by the Province, and a Chair, appointed by the other members. No appointed or elected city official may sit as a member. Official city committees or Council may provide information to the Board on particular appeals, but they cannot direct the Board on jurisdiction or whether an appeal should be granted or denied. Applications for permits for major projects are considered by the Development Permit Board, which is composed of the Director of Development Services, the Deputy City Manager, the General Manager of Engineering Services, and a Co-Director of Planning. The Board makes all final decisions but is advised in all deliberations by an Advisory Panel consisting of eight members appointed by Council. Two members represent the development industry, two are from the design profession and four are from the general public.
[18] "Insights into Population and Housing", City of Vancouver Planning Department, 2002

need any public incentives to speak of."[19] The city does however promote high intensity mixed use where appropriate through increased density and occasional height increases.

Vancouver has a large percentage of low-density "single family" zoning (approximately 60%- 70%) which surrounds one of the densest core neighborhoods in North America. Density has been created either in areas specifically targeted for higher residential densities or areas along major streets where there has historically been a mix of apartments or offices above ground floor commercial uses (old "village" centers or commercial strips). Residents' familiarity with the historical high density of these neighborhoods likely results in lower levels of opposition to new high-density developments. "Over time, there really hasn't been a problem getting people to build density in Vancouver", according to city planner James Boldt. Also, Vancouver has only had a zoning bylaw since 1956, before which many mixed-use districts had already been established, and these uses were accommodated in the zoning code.

CONCLUSION

The findings of the Office of the Legislative Analyst confirm those of SPUR, that Portland, Seattle, and Vancouver have all seen a number of mixed-use projects incorporating grocery stores and housing, although few involved the redevelopment of existing grocery stores. As reported by SPUR, "almost all of the mixed-use grocery store projects to date in Portland and Seattle have materialized due to strong initiative from the development community."[20] As these cities do not offer incentives targeted specifically to this redevelopment opportunity, it is difficult to ascertain from their experience what impact incentives might have. If the redevelopment of grocery stores to mixed use is a priority in San Francisco, the City should investigate the affect of incentives, including those described above, and consider their implementation.

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[19] "City planners look north for mixed-use model," The Examiner, 7/5/2005, page 8
[20] "Large Retail Commercial Sites in San Francisco: Issues and Opportunities," San Francisco Planning and Urban Research Association, July 1, 2003

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Gabe Cabrera, Office of the Legislative Analyst (OLA)
Date: October 21, 2005
Re: **Community Policing Practices** (BOS File No. 050130) (OLA No. 009-05)

SUMMARY OF REQUESTED ACTION

Motion requesting the OLA to prepare an analysis of community policing practices in other jurisdictions; identify the necessary factors to strengthen community policing in San Francisco; and inform the Board of Supervisors of what best practices in community policing should be legislated.

EXECUTIVE SUMMARY

Community policing is a relatively new approach to law enforcement designed to reduce and prevent crime by increasing interaction and cooperation between police and the community they serve. The overarching goal of community policing is to create bonds of trust and reliance between police and the public. It balances aspects of traditional policing (i.e., reactive responses to calls for service) with pro-active community-based problem solving to reduce and prevent crime.

The OLA reviewed the research literature on community policing, and learned that there are many different ways of carrying it out. Some of the practices typically associated with community policing include: 1) training in community policing for both new recruits and "in-service" officers; 2) foot/bicycle beats; 3) officer assignments by specific geographic areas or "sectors"; 4) problem-solving models; 5) systematic citizen input and feedback; 6) public access to crime data; 7) crime mapping; and 8) formal written community policing plans. These practices are described in the Background section of this report.

The OLA examined law enforcement agencies with successful community policing programs throughout the world, with special emphasis on those in Los Angeles (CA), San Jose (CA), Chicago (IL), London (England) and São Paulo (Brazil). Each of these agencies is described in the Other Jurisdictions section of this report.

Community policing already exists in San Francisco. The San Francisco Police Department (SFPD) began its program of community policing called "Community Oriented Policing and Problem Solving" (COPPS) in 1989. As shown in Table 1 below, COPPS employs many of the practices typically associated with community policing and used in successful programs in other jurisdictions.

	Training	Foot & bicycle beats	Specific geo-graphic areas	Problem-solving model	Citizen input & feedback	Public access to crime data	Crime maps	Agency plans
Name of Agency								
• San Francisco Police	Yes	Some	Yes	Yes	Some	Some	Yes	Yes
• LA County Sheriff	Yes	Some	Some	Yes	No	Some	No	Yes
• San Jose Police	Yes	No	No	No	No	Some	No	Yes
• Chicago Police	Yes	Some	Yes	Yes	Some	Some	Some	Yes
• The "Met" (London)	Yes	No	Yes	Yes	No	Some	Some	Yes
• Military Police of São Paulo (Brazil)	Yes	Some	No	Yes	Some	No	No	No

As discussed in the Current Law and Practices section of this report, the City's current program provides more training in community policing for both new recruits and in-service officers than the state's Commission on Police Officer Standards and Training (POST) program requires. It uses a popular problem-solving model and a well-developed crime mapping system, and has had a formal written community policing plan since the early 1990's. However, there are other areas where the SFPD can improve community policing in San Francisco. For instance:

- To increase police and community interaction, it could increase the number of foot/bicycle beats at each district station. The Department estimates that there are currently fifty-seven foot/bicycle beats per day across the ten district stations.

- To better assess police performance, especially community policing efforts, it could begin to formally solicit input and feedback from residents at least once per year, as is the case in other jurisdictions. The Department has conducted informal citizen surveys in the past, but only on a limited basis.

- To help prioritize crime problems in conjunction with the community, it could begin to share crime information with the public via radio, television and newspaper announcements. The Department currently provides public access to crime data primarily via the Internet.

Whether the Board of Supervisors should urge/require the SFPD to adopt these measures is a policy decision. Other issues to consider regarding community policing in San Francisco include community interest, departmental leadership, employing the right practices at each district station, police performance evaluations based on community policing goals and the danger of short-lived efforts.

BACKGROUND

Community policing is part of a movement to shift the focus of law enforcement from reactive policing (i.e., responding to calls for service), which leaves little or no time to investigate or handle problems that need long-term solutions, to pro-active policing (i.e., preventing crime before it occurs), which requires increased interaction and cooperation between police and the community. It began in the 1980's and is growing in popularity. About 40% of the nation's larger police departments have adopted community policing.[1] While there are many different

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[1] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Implementation Challenges in Community Policing*, Sadd & Grine, February 1996.

ways of carrying it out, some of the practices typically associated with community policing include the following:

Training in community policing. Training helps officers to develop community policing skills, such as problem solving, SARA (scanning, analysis, response, assessment) and community partnerships. Forty-one percent of all police departments in the U.S. trained (8 hours or more) all of their new recruits in community policing. Twenty-eight percent trained all of their in-service officers.[2]

Foot/bicycle beats. Routine foot/bicycle patrols or "beats" are a commonly used means to increase interaction between police and the community. Sixty-three percent of departments used one or both of these patrol types on a routine basis.

Geographic patrol assignment. Assigning patrol officers to specific geographic areas or "sectors" is thought to increase the level of officer attachment to an area and its residents. It is also thought to facilitate the development of citizen and business contacts and the formation of problem-solving partnerships. Forty-two percent of departments gave their patrol officers responsibility for sectors.

Problem-solving model. A central component of community policing is the process of identifying and responding to community problems. This process is often put into operation using the SARA problem-solving model.

Citizen input and feedback. Some level of citizen input and feedback is thought to be essential to assess police performance, and systematic citizen input and feedback is preferred. Twenty-seven percent of departments surveyed citizens to gather information on public satisfaction with police services, public perceptions of crime and personal experiences with crime.

Public access to crime data. To identify and prioritize local problems, the police and citizens need to share information. At a minimum, citizens need to have some access to local crime information. Seventy-three percent of departments provided citizens with routine access to crime data. Most provided access in-person and by telephone or written requests. Others provided it via radio, television, newspapers and the Internet.

Crime mapping. Technological tools, such as computerized crime mapping, assist agencies in identifying and analyzing problems, developing long-term solutions and evaluating their problem-solving efforts. Thirty-two percent of departments used computers for crime mapping purposes.

Agency plans. Police departments with formal written community policing plans were more likely to have implemented specific community policing strategies, such as training in community policing, foot/bicycle patrols and officer assignments by beats/sectors, than those with only informal plans or no plans at all.

CURRENT LAW AND PRACTICE

As of October 2005, the SFPD has 2,146 sworn officers. It is divided into four bureaus: Administration, Airport, Investigations and Field Operations. The Field Operations Bureau (FOB) manages the Patrol Division, which is separated into two divisions: Metro and Golden Gate Divisions. Together they oversee the ten district stations as well as the Department's Traffic and Crime Prevention companies.

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[2] All the statistics in this section are from the U.S. Department of Justice's 2001 study *"Community Policing in Local Police Departments, 1997 and 1999."*

The Department unveiled its community policing program called COPPS by initiating a small pilot program at its Mission Station in 1989. The pilot program's purpose was to re-introduce the walking police officer in the Mission's various neighborhoods. Several officers were assigned to specific geographic areas and trained to use a SARA-type problem-solving model in the community. Initially, some non-COPPS officers were critical of the COPPS program. A 2005 document "Best Practices of Community Policing Research Summary" prepared by SFPD Lieutenant Con Johnson (one of the original COPPS officers) revealed that some non-COPPS officers felt that the program was designed for "slugs" that did not want to do "real" police work. The SFPD points out that this document was not adopted or approved by the Department. As such, its findings represent those of its author only.

In the 1990's, then Police Chief Fred Lau steered community policing away from a select group of trained officers to an "all inclusive" approach where community policing became every officer's responsibility. The Police Academy began training all new recruits and in-service officers in community policing. Today that training consists of twenty hours for new recruits and two hours every two years for in-service officers. This is more training than the state's Commission on Peace Officers Standards and Training (POST) program requires. For new recruits, POST requires at least twelve hours of training in community policing, and for in-service officers, it requires at least twenty-four hours of "Continuing Professional Training" (CPT). Recommended CPT topics include new laws, recent court decisions and others, but not community policing.[3]

Despite the Department's early commitment to community policing and its training program that exceeds state standards, community policing remains a foreign concept to some officers. According to at least one officer in the above-noted document, some officers still view their traditional police duties, such as responding to calls for service, as incompatible with community policing, and have developed negative connotations with the concept of being a community policing officer.

Options for Improving Community Policing in San Francisco

To improve community policing in San Francisco, the Board may want to consider the following options:

The SFPD workday is divided into three shifts. District captains may deploy their officers on either foot/bicycle beats or radio car patrols in specific geographic areas or "sectors" during each shift at their discretion.[4] The SFPD estimates that there are approximately fifty-seven foot/bicycle beats within defined radio car sectors for all shifts across the ten district stations.[5] According to the Department, when periodic staffing shortfalls reduce the number of available

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[3] POST Administrative Manual, Section D-Training Procedures, Commission Procedure D-2, *Continuing Professional Training and Perishable Skills*, pages D15-D17.
[4] In February 2005, the Department's Field Operations Bureau issued a General Order that requires all officers assigned to vehicle patrol to leave their cars and go on foot patrol for a minimum of one block at least once during their shifts.
[5] In addition, four out of thirty-two "Operation Outreach" officers dedicated to addressing homelessness problems perform their duties while on bicycle patrol.

foot/bicycle officers, their beats are covered by radio car sector patrols (of which there are approximately fifty-three per shift or one-hundred fifty-nine per day).

Option 1: Whether this is a sufficient amount of foot/bicycle beats is beyond the scope of this analysis. More research and analysis is necessary prior to making a determination. Issues to consider include neighborhood needs as well as officer staffing levels at each district station. The SFPD advised the OLA that the Department's greatest barrier to deploying additional foot/bicycle beats, despite its strong support for such beats, has been the declining number of sworn police officers within its ranks since late 2002, which may worsen if anticipated attrition is unmet.

The SFPD does not formally survey residents to gather input and feedback regarding police performance. Instead it engages in other activities designed to solicit that information, including holding monthly district community forums (i.e., meetings between police and the community), maintaining district station email addresses and providing routine access to district captains' contact information. The Department has conducted informal citizen surveys in the past, but only on a limited basis.

Option 2: To better assess police performance, especially community policing efforts, it could begin to formally solicit input and feedback from residents at least once per year, as is the case in other jurisdictions. The SFPD advised the OLA that it is currently developing a "questionnaire/survey" for use throughout the district stations, but its specific use has not been determined.

The Department provides public access to crime data primarily via the Internet. It maintains a Website that allows residents to create maps of crime by type, location and date.[6] This site is part of the SFPD's larger "CrimeMaps" system that allows officers to conduct crime analysis. Since its inception in June 2004, the site has had 73,217 visitors or approximately 166 visitors per day. By way of comparison, in-person, telephone and written/fax requests for crime data were relatively low in FY 04-05 (respectively 94, 12 and 4).

Option 3: To help prioritize crime problems in conjunction with the community, the Department could begin to share information via local radio, television and newspaper announcements.

The SFPD advised the OLA that over time it recognized that COPPS could not solve the City's crime problems alone, and began collaborating with other local, state and federal agencies to address environmental conditions that invite crime (i.e., graffiti and abandoned vehicles/buildings); increase patrols in high crime areas; and coordinate certain criminal prosecutions. These agencies include Pubic Works, Public Health, District Attorney, Mayor's Office of Criminal Justice, California Highway Patrol, U.S. Department of Justice and several others.

Option 4: While these collaborations may be yielding positive results, neither the SFPD nor any of its partner agencies have measured their effectiveness. The Board may wish to ask the SFPD

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[6] See <http://www.sfgov.org/site/police_index.asp?id=23813>

*to study outcomes of these government-to-government partnerships and report its findings back
to the Board.*

Community Connect and CitySafe

On August 5, 2005, the Mayor and Police Chief Fong introduced a new community policing
approach called "Community Connect". It is part of the City's larger initiative to reduce crime
and violence, called "CitySafe", by focusing City and community resources into five broad
categories: youth services, job creation, community development, criminal justice and safer
streets.[7] Under Community Connect, the SFPD assigned two lieutenants at each district station
to oversee community policing efforts in their respective districts, and to work with a member of
the Mayor's Office of Neighborhood Services (MONS) and a community organizer to access
existing City and community resources.

*Option 5: The OLA believes that such resources may need to be expanded in some communities
and created in others for Community Connect to work. Otherwise there is the danger that
Community Connect will raise expectations and involvement of police and the community to a
level it cannot sustain.*

OTHER JURISDICTIONS

Based upon a review of the community policing research literature, the OLA identified the
following law enforcement agencies with successful community policing programs.

Los Angeles County Sheriff's Department (LASD)

The LASD is the largest sheriff's department in the nation, with 8,438 sworn officers. It started
community policing in 1998. The Community Oriented Policing Services (COPS) Bureau,
which consists of 350 deputies and sergeants, conducts the department's community policing
activities. COPS Bureau deputies work in one of three teams: Special Prevention and
Intervention (SPI), High Impact Target Area and regular COPS. SPI teams typically work in
bicycle patrols, allowing officers to get to know residents. The High Impact Target Area teams
operate at specific stations and work within targeted areas for short-periods of time
(approximately four to nine months). Any mission that is not completed by the High Impact
teams is turned over to the regular COPS teams which continue to work toward solving the
problem.

All COPS Bureau deputies are selected from the cadre of patrol deputies assigned to a specific
station. As openings occur, any station deputy can rotate out of patrol into the COPS Bureau.
The basic difference between the two roles is that, unlike COPS Bureau deputies, patrol deputies
answer calls for service and do not have time to investigate or handle problems that require long-
term solutions. As deputies rotate, LASD expects that eventually every member of the patrol
force will serve within the COPS Bureau and will know how to address more complex and varied
community problems.

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[7] Office of the Mayor, Press Release, *Mayor Newsom and Community Leaders Unveil CitySafe*, August 5, 2005.

<u>Successes and Challenges</u> - The COPS program has decreased crime and the residents' perception of crime. Initially, deputies were critical of the COPS program. Some saw it as "fluff" work not worthy of a deputy who wanted to do "true police work". Because the program has been so successful, the COPS Bureau has been inundated with service requests, and LASD is finding it difficult to continue at that pace. The department is currently attempting to address this issue.

San Jose Police Department

Community policing is every police officer's responsibility in San Jose. There are no specialized community policing officers. The San Jose Police Department has 1,408 sworn officers. The department started community policing in 1991. San Jose is divided into four patrol divisions, each overseen by a captain. Patrol captains have 24-hour problem-solving responsibility within their divisions. Every six months, the department has a "shift change" in which patrol officers can bid for their next assignment based on seniority. Even so, many officers remain in a specific area for longer than a single shift. The department wants to implement one-year shift changes for greater consistency in the community. This is a labor/management issue, and contract negotiations have not resulted in a change.

In 1997, the department admitted that its community policing efforts had lost momentum. A number of focus groups revealed that a comprehensive program to address leadership development and the creation of a consistent vision for community policing were needed to invigorate the department's efforts. The department received a grant from the U.S. Department of Justice (DOJ) to pursue training for lieutenants and captains on how to create and sustain community policing and a professional development course for sergeants that included community policing skills. Although the curriculum has been developed, the course has not been implemented.

<u>Successes and Challenges</u> - Community policing has become more institutionalized as part of the department's culture. The department has opened three of four planned "Community Policing Centers", which have given it a valuable presence throughout the city. Initially, the DOJ grant met with resistance from individuals who felt that community policing training and activities were merely a "fad" to be tolerated. The department took longer than it intended to create the curriculum for the professional development course, which slowed the momentum to deliver the course.

Chicago Police Department

The Chicago Police Department has 13,466 sworn officers. Chicago is divided into twenty-five police districts, which are further divided into 279 police beats or small geographic areas to which police officers are assigned. The department's community policing philosophy is called CAPS or "Chicago Alternative Policing Strategy". Implemented in April 1993, it was rolled-out in five police districts, and employs a number of crime-fighting strategies, including neighborhood based beat officers, regular "Beat Community Meetings" involving police and residents, training for both police and the community and new technology to target crime hot spots.

Implementation of CAPS in the other twenty police districts began in 1994, and the strategy is now operational in all of Chicago's neighborhoods. Under CAPS, a team of eight to nine beat officers is assigned to each of the City's police beats. Beat officers patrol the same beat on the same watch for at least one year. This allows beat officers and community members to get to know one another. Beat teams patrol primarily in their squad cars, but sometimes on foot as well.

Successes and Challenges - In all five prototype districts, CAPS decreased crime and the residents' perception of crime. Researchers did not find similar trends in the control neighborhoods where CAPS had not been implemented. The average beat meeting attracts twenty-five participants. For the future, the goal is to have fifty. The Department intends to focus on outreach and education efforts on certain communities where participation has not been as high, including Hispanics, youth and young parents.

Metropolitan Police Service (the "Met")

The Met is the largest of the police services that operate in Greater London (the others include the City of London Police and the British Transport Police).[8] The Met employs 30,235 sworn officers. It covers 624 wards that collectively make up London's thirty-two boroughs. The Met's community policing strategy is called "Safer Neighborhoods". Every Safer Neighborhoods team consists of a minimum of six uniformed officers – a sergeant, two constables (a police officer of the lowest rank) and three police community support officers (PCSOs). PSCOs focus on preventing crime and on protection by having a presence in the community.

The role of Safer Neighborhoods teams is to work with the community and local authorities to reduce crime and disorder and deal with the local issues that most affect people's quality of life, such as graffiti, abandoned cars, noisy neighbors, drunks and vandalism. The rest of the Met's officers carry on with their regular policing duties. There are currently 100 Safer Neighborhood teams in existence across Greater London, approximately three per borough. Teams are assigned, in most cases, based on the boundaries of each ward. Sometimes teams are based at local police stations. Others work from kiosks, partnership offices, schools, hospitals, and places of worship.

Successes and Challenges - Overall crime fell in London by two percent in 2003 compared with 2002. This was largely attributed to the Safer Neighborhoods program. London's mayor and the Greater London Authority, which oversees the Met, intend to roll out the program across the entire city over the next few years.

The Military Police of São Paulo (PMESP)

In São Paulo, the "military police" or the PMESP is responsible for maintaining public order.[9] The city is divided into seven area policing commands. These commands are separated into twenty-five PMESP battalions, including four traffic police battalions and one guard police

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[8] The area of Greater London combines the City of London and thirty-one other London boroughs.
[9] The City of São Paulo is the capital of São Paulo State in southeastern Brazil.

battalion. Community policing is just one job a police officer in the PMESP can have. Other jobs include those of traffic officer, patrol officer, firefighter, school officer, policing on horse, prison police, administrator, and special operations. Community policing uses about one-fifth of the PMESP's manpower.

To make the police more accessible to the community, the PMESP created movable police stands to bring the police into the communities and a telephone line solely for receiving citizen complaints and suggestions. All PMESP officers carry wallet-sized cards, which include the PMESP's community policing principles. The main differences between community policing officers and non-community policing officers is that community policing officers do mostly foot patrols and spend more time teaching members of the community about crime prevention. Rotations are important to find the appropriate place for an officer and to ensure knowledge of all areas of policing.

<u>Successes and Challenges</u> - Community Security Councils (Consegs) are open meetings between the PMESP and the community to discuss solutions to crime problems. The crime rate in Jardim Ângela, one of the poorest neighborhoods in São Paulo, is still high today, but since community policing began there has been a considerable reduction in crime. Community policing is still considered light policing and soft on criminals by many PMESP officers. Other officers remain largely unfamiliar with the concept.

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ISSUES TO CONSIDER

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The following is a list of the major issues to consider regarding community policing in San Francisco:

Community Interest. Community policing often grows out of concern and frustration with the traditional policing model. Under traditional policing, the community may not feel any sense of security when officers respond to calls for service only and criminal behavior in their neighborhoods continues after police leave. The community may feel more secure when beat officers are assigned to their neighborhoods for extended periods of time. As such, the Board of Supervisors may wish to survey public satisfaction with traditional policing as well as interest in community policing practices.

Leadership. In order for community policing to work, the chief needs a clear vision of what community policing means, what it should look like, why it is important and how it will improve police and the community served. However, this is not enough. Although the chief must be the ultimate champion, a lack of support among mid-level managers almost guarantees that community policing efforts will ultimately break down. The support of police staff who are in charge of day-to-day activities, such as sergeants, lieutenants and captains, ensures effective implementation of community policing.

Employing the right community policing practices at each district station. Because each neighborhood in San Francisco has its own crime problems and available police resources, a cookie cutter approach may not work. Bringing a wide range of stakeholders to the table early, including residents, merchants, neighborhood groups, social service providers, police officers and command staff will help to ensure that the right community policing practices are employed at each district station. It is important to note that the SFPD advised the OLA that as part of the

Community Connect initiative, it already has plans to hold monthly "best practices" meetings, comprised of the 20 designated district station community policing lieutenants, MONS representatives and community organizers, to address unresolved district problems and discuss appropriate solutions.

Performance evaluations. As law enforcement agencies adopt community policing practices into their organizations, officer performance evaluations are often changed to reflect these new practices. The SFPD advised the OLA that it is currently considering adding performance measures based on community policing goals to evaluations for the ranks of officer through captain. Presumably, this is a labor-management issue subject to collective bargaining negotiations.[10]

The danger of short-lived efforts. Some community policing programs are too often begun with intensive law enforcement efforts that are short-lived and therefore do not produce the desired results of reducing crime and communities' fear of crime in the long run. When this happens, residents begin to view community policing as "just another program" in which services are here today but gone tomorrow. This perceived view of community policing leads to a lack of community involvement and can break bonds of trust and reliance between police and the community.

CONCLUSION

The City's current community policing program employs many of the practices typically associated with community policing and used in successful programs in other jurisdictions. However, there are areas where the SFPD can improve community policing in San Francisco. It could increase the number of foot/bicycle beats at each district station; begin to formally solicit input and feedback from residents on police performance; and share crime information with the public via radio, television and newspaper announcements. Of course, whether the Board of Supervisors should urge/require the SFPD to adopt these measures is a policy decision. Other issues to consider regarding community policing in San Francisco include community interest, departmental leadership, employing the right practices at each district station, officer performance evaluations based on community policing goals and the danger of short-lived efforts.

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[10] The current contract between the City and the San Francisco Police Officers' Union runs from July 2003 through June 2007.

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS

OFFICE OF THE LEGISLATIVE ANALYST

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Gabe Cabrera and Carolyn Huynh, Office of the Legislative Analyst (OLA)
Date: December 20, 2005
Re: **Restorative Justice** (BOS File No. 050455) (OLA No. 29-05)

SUMMARY OF REQUESTED ACTION

Motion requesting the OLA to research and prepare an in-depth report on the current restorative justice practices within the City and County of San Francisco and identify best practices from other municipalities.

EXECUTIVE SUMMARY

Restorative justice is a theory of criminal justice that focuses on crime as an act against another individual or community rather than the state. It asks victims, offenders and communities to resolve collectively to deal with the aftermath of crime. Restorative justice seeks to support victims, impress upon offenders the impact of their behavior and promote restitution to victims and communities. It is fundamentally different from traditional criminal justice, which focuses on punishing offenders, not restoring victims and communities.

Restorative justice can be a sentencing alternative or the sentence itself (or part of it). Initially, it was associated with low level crimes, but increasingly is applied in mid level and more serious crimes.

The OLA reviewed restorative justice programs throughout the country, with special emphasis on those in three counties: Fresno County (CA), Washington County (MN) and Cook County (IL). Our office learned that while the specifics of restorative justice programs vary, all involve some form of voluntary dialogue and problem solving among the parties affected by crime including victim-offender mediation, family group conferencing or peacemaking/sentencing circles. They may also include victim and offender assistance, restitution and community service. All of these practices are discussed in the Background section of this report.

In San Francisco, some City departments already run restorative justice programs that incorporate victim-offender mediation and family group conferencing. Others operate programs that share goals and principles of restorative justice. Still others surveyed for this report expressed interest in adopting or expanding their own restorative justice programs. Whether the Board of Supervisors should urge City departments to expand existing restorative justice programs or create new ones is a policy decision. Factors to consider include community interest and resources, due process safeguards, prevention of secondary victimization and the scope of cases to be diverted from the traditional criminal justice system.

Restorative justice is part of a movement to shift the focus of criminal justice from traditional criminal court case processing, which looks only to punish offenders, to repairing the harm caused by crime, which involves some form of dialogue and problem solving among the parties affected by crime (i.e., victim, offender and the community). It began in the late 1970's and is growing in popularity. Restorative justice is now developing in more than 45 U.S. states and many other parts of the world, including numerous European countries, Australia, New Zealand and South Africa.[1]

Restorative justice is different from traditional criminal court case processing in several ways. First, it views crimes more comprehensively. Rather than defining crime as simply lawbreaking (i.e., an act against the state), restorative justice recognizes that offenders harm victims, communities and even themselves. Second, it involves more parties in responding to crime. Rather than involving only the government and offenders, it includes victims, family members and communities as well. Third, it measures success differently. Rather than measuring how punishment is inflicted, it measures how harm is repaired or prevented. Finally, it recognizes the importance of community involvement in responding to crime, rather than leaving the problems of crime to the government alone.

While the specifics of restorative justice programs vary, all involve some form of voluntary dialogue and problem solving among the parties affected by crime, which can include:

- **Victim-offender mediation (VOM).** This process allows the victim to meet face-to-face with his/her offender in the presence of a trained mediator. Through mediation, the victim tells the offender about the crime's impacts (i.e., physical, emotional and financial), asks questions and becomes directly involved in developing a plan for the offender to repair the harm that he/she caused. Cases may be referred to mediation as a diversion from prosecution, or after the court has accepted a formal admission of guilt, with mediation being the sentence (or part of it).

- **Family group conferencing.** Family group conferencing involves victims, offenders, family, friends and key supporters of both in deciding the resolution of a crime. All parties are brought together by a trained facilitator and allowed to ask questions and express their feelings. The entire group works out an agreement on how the offender may best repair the harm that he/she caused. This may be used as a diversion from prosecution, or after adjudication to address unresolved emotional issues or determine the specific terms of restitution.

- **Peacemaking/sentencing circles.** This is a community-directed process, in partnership with the traditional criminal justice system, to develop consensus on an appropriate disposition that addresses the concerns of all interested parties. Circles typically involve a multi-step procedure, including application by the offender to the circle process, separate healing circles for victim and offender, a disposition circle and follow-up circles to monitor the progress of the offender.

Some restorative justice programs share characteristics with the traditional criminal justice system, including:

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[1] *Restorative Justice for Victims, Communities and Offenders*, Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota, Mark Umbreit, April 15, 1999.

- **Victim assistance.** Victim assistance programs provide victims with a wide range of services, including physical therapy, mental health counseling and legal representation, as they recover from a crime.
- **Offender assistance.** Offender assistance programs, which seek to re-integrate offenders into the community, include job training, workshops and counseling on building community and trust, while developing communication and peaceful conflict-resolution skills.
- **Restitution.** Restitution is a sum of money paid by offenders for the financial losses they have caused to victims of their crimes.
- **Community service.** Community service is work performed by offenders for the benefit of the community as a formal or informal sanction. Neighbors and communities that are harmed by crime can be at least partially restored by unpaid service that contributes to their improvement.

Of the different forms that restorative justice may take, victim-offender mediation is the most developed and well documented. Early studies have shown positive results. For instance, in the largest multi-site study of victim-offender mediation conducted, with juvenile offenders in programs in four cities, victims who met their offender were more likely to be satisfied (79%) with the outcome of their case than similar victims who went through the traditional court process (57%).[2] Additionally, offenders who met their victim were more likely to successfully complete their restitution obligation to the victim (81%) than similar offenders who did not participate in mediation (58%).

CURRENT LAW AND PRACTICE

The following are brief descriptions of City policies and practices based upon the restorative justice philosophy in San Francisco:

Sheriff's Department. Established in 1997 after a one-year planning process, the Resolve to Stop Violence Project (RSVP) within the Sheriff's Department is an in-jail and post-release violence prevention program for male offenders with convictions for violent offenses. The goals of RSVP are to reduce recidivism and repair the harm caused by crime on victims, offenders and the community through three integrated components, as follows:

Created in 1998, the Offender Restoration Internship component requires 250-300 men/year to participate in an intensive jail curriculum designed to develop an understanding of the consequences of violence for victims and change their beliefs about the "male-role" behavior that leads to violence. Typically these men have been convicted of domestic violence, or some other form of violence such as robbery, assault, battery, rape or terrorists threats. During incarceration, they participate in general education, job development, life skills classes, male-role re-education, case management, substance abuse classes and/or surrogate victim-offender conferencing for up to twelve hours a day, six days a week, for a minimum of sixty days. RSVP advised the OLA that surrogate victim-offender conferencing, where victims (typically surrogates) tell their personal experiences with crime to RSVP's in-custody offenders, is an important healing and violence prevention strategy that has contributed to the program's overall effectiveness.

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[2] *Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment*, Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota, Mark Umbreit, 1998.

An evaluation of recidivism rates for the RSVP program shows positive results. Offenders who participated in RSVP for at least two months had a re-arrest rate for violent charges during the first year after release that was about 41% lower than that of members of a control group. For those in RSVP for three months or more, the re-arrest rate was about 51% lower, and those in for at least four months or more had a re-arrest rate about 80% lower.[3]

Upon their release, RSVP participants return to the community under the supervision of the Sheriff's County Parole and Jail Alternative Programs. They must participate in violence prevention groups and education and job placement programs, and work with community and victim advocacy groups to perform violence prevention services and education in schools and community centers. Some also partake in a six-month job-training program designed to train them as facilitators/case managers in the field of human services, which may lead to permanent employment.

The Survivor Restoration Program provides direct services, in three-steps, to victims whose perpetrators are participating in RSVP's Offender Restoration component. The first step of the program attempts to stabilize victims' living and financial situations by referring them to specific housing and monetary aid programs; the second step supports their transition to "survivors" through counseling and empowerment classes; and the final step encourages them to become victim advocates/activists by presenting their personal experiences with violence to new victims and survivors, as well as RSVP's in-custody offenders (also referred to as survivor impact presentations).

Per the Community Restoration component, RSVP graduates seek to repair the harm that they caused to the community by participating in mandatory community-based violence prevention activities such as personal encounters, art therapy, special events and public awareness projects. Community Renewal Dialogues (i.e., videoconferences that link RSVP's in-custody offenders with victims, their families and other community members) are used for crime prevention discussions, family dialogues, employment interviews and community meetings.

District Attorney's Office. The San Francisco Community Court program, which was created by the District Attorney's Office in collaboration with other City and non-City agencies, is an alternative to traditional criminal court case processing of misdemeanors and infractions (also referred to as "quality-of-life" offenses). The most common offenses processed include petty gambling, graffiti, littering, shoplifting, assault/battery and less serious drug violations. The first community court in San Francisco opened in 1998, and a total of twelve are currently operating in neighborhoods throughout the City.[4] While components and implementation of community courts vary, they typically design a program of community service and social service treatment for low-level, quality-of-life offenders. Community court sentences are intended to restore neighborhoods through community service and rehabilitate offenders through social service programs.

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[3] *The Resolve to Stop the Violence Project: Effectiveness of Jail-Based Intervention on Reducing Violent Behavior During Incarceration and After Return to the Community*, Center for the Study of Violence, Harvard University Medical School, Dr. James Gilligan and Dr. Brandy Lee, 2004.

[4] Community courts exist in the Bayview-Hunter's Point, Oceanview/Merced/Ingleside, Western Addition, Mission District, Excelsior District/Ingleside, South of Market, Tenderloin, Polk Street, Chinatown, Sunset, North Beach and Richmond.

The community court process is as follows. In almost every case where a misdemeanor is committed, a police report is forwarded to the District Attorney's Misdemeanor Intake Division. If this Division deems the case eligible for community court (which depends on the type of offense, the likelihood of it being resolved by community court, etc.), then the case is diverted to a community court. Participation in community court is voluntary, but for a defendant to take part, he/she must plead guilty. In the event that the defendant is unwilling, their case is automatically referred back to the District Attorney's Office and processed through the traditional court system.

If the offender accepts the offer to go before a community court, he/she must contact California Community Dispute Resolution Services, a nonprofit agency, to schedule a community court hearing. Once at the hearing, a judge arbitrator explains the program and a police officer reads the police report. The defendant has a chance to respond to the charges in the report. The arbitrator, in consultation with community panelists, has four judgement options in each case: 1) community service and/or fine; 2) restitution payments directly to victims; 3) social service treatment; and 4) dismissal of the case.

While community courts use the principles of restorative justice to guide their work, researchers/practitioners of restorative justice point out that the major shortcoming of these courts with respect to restorative justice is that they are based upon an adversarial approach (i.e., the defendant versus the other parties), whereas restorative justice is based upon a collaborative approach (i.e. all parties participate in a dialogue and problem solving process). In addition, an arbitrator's role in community court is typically less neutral than a mediator's role in restorative justice; most decisions in community courts do not involve mutual consent by the parties involved, whereas all decisions in restorative justice are consensual; and the adversarial approach of community courts is more likely to create a "power imbalance" between the offender and all the other parties involved which is inconsistent with restorative justice principles.

In April of 2004, community panelists from nine of the then ten community courts in San Francisco formed the Community Court Restorative Justice Committee to educate arbitrators and other panelists on restorative justice principles, address the above-noted shortcomings of community courts with respect to restorative justice and propose practices based upon restorative justice principles which each court could implement as they saw fit. All twelve courts in the City are currently represented on the committee, which has recommended that courts: a) organize panels of youth to talk with persons charged with the sale of alcohol to minors about the impacts of their actions on the community; b) create a substance abuse counseling and treatment program with education and community service components for drug offenders; and c) arrange for defendants and community panelists to participate in the Sheriff's Community Renewal Dialogues as a crime prevention strategy.[5] The Restorative Justice Committee advised the OLA that it is exploring other ways to introduce restorative justice principles into the community court model.

The Department's other restorative justice based programs include the Back on Track Re-entry Program, which seeks to re-integrate low level drug offenders into the community by enhancing their personal competencies and requiring them to perform one hundred and twenty hours of

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[5] Of these recommendations, only the last has been implemented.

community service. The First Offender Prostitution Program educates first-time offenders ("johns") about the legal, social and health ramifications of soliciting/engaging in prostitution. It includes surrogate victim-offender conferencing with johns and ex-prostitutes, as well as community panels that talk to offenders about the effects of prostitution on the quality-of-life in their neighborhoods.

Juvenile Probation Department – Several divisions within Juvenile Probation currently employ restorative justice based policies and practices. The Probation Services Division may assign arrested youth to community service and restitution in lieu of referring the case to the District Attorney for prosecution. At Juvenile Hall (a short-term detention facility), youth receive educational, medical and mental health services. They also receive training in socialization skills and general counseling from staff. At Log Cabin Ranch (a post adjudication facility for delinquent male juveniles), youth receive a range of educational, counseling, mental and physical health services. Therapeutic group sessions, vocational training, behavior management and substance abuse counseling are also available. The Community Programs Division contracts with community based organizations for a range of services to youth, including restorative justice based services such as two mentorship programs (one is for girls only) and peer counseling. The Department advised the OLA that it is in the process of incorporating restorative justice principles into its mission statement and goals. Thereafter, it intends to train all juvenile probation officers in the philosophy of restorative justice, and adopt specific strategies department-wide.

Adult Probation Department – Adult Probation employs restorative justice based policies and practices too. The Department's Special Services Division supervises offenders convicted of specific crimes, mainly drug-related crimes, to insure that they are complying with the terms and conditions of their probation. It furnishes probationers with referrals to community treatment programs, employment and education opportunities. It also provides information, resources and assistance to victims, and helps them to obtain restitution. The Domestic Violence Unit within Special Services supervises batterers and provides counseling and community treatment referrals to batters and victims. The Department points out that the greatest barrier to expanding its restorative justice based polices and practices, despite the strong support and interest for them within the Department, has been the lack of advanced training for adult probation officers on ways to implement them into their daily caseloads.

Public Defender's Office - The Public Defender's restorative justice based programs include the Clean Slate Program, which helps ex-offenders to get their records expunged, sealed or destroyed. The Children of Incarcerated Parents Program allows incarcerated parents to maintain or restore meaningful relationships with their children by helping them to obtain family services, counseling and jail visits. Spearheaded by the Public Defender's Office, MAGIC (Mobilization for Adolescent Growth in our Communities) is a neighborhood-based process for mobilizing community leaders, social service providers, churches, schools, juvenile justice agencies and families to implement the Comprehensive Strategy on juvenile justice reform in San Francisco.[6] The Public Defender's Office advised the OLA that many of MAGIC's programs employ the principles of restorative justice, especially the offender assistance

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[6] The Comprehensive Strategy is a detailed, comprehensive community planning juvenile justice model which has been successfully implemented in over 50 cities nationwide.

component of the philosophy by providing mentoring opportunities to incarcerated youth and their families.

Of the various restorative justice programs throughout the country, those in Fresno County (CA), Washington County (MN) and Cook County (IL) appear to be the most developed and well documented. Table 1 summarizes the major features of these programs including: whether they are pre-adjudication (diversion) or post-adjudication (sentence); for adults, juveniles or both; typical offenses processed; whether offender participation is mandatory or voluntary; and what primary restorative justice practices are used.

Table 1: Major Features of Restorative Justice Programs Surveyed

	Pre- or post- adjudication programs	Juvenile or adult offender	Typical offenses processed	Mandatory or voluntary offender participation	Primary restorative justice practices used
Jurisdiction & Agency Name					
• Fresno County, CA Juvenile Probation Department & Juvenile Court	Both	Juvenile	Property crimes	Both	VOM, victim restitution, offender assistance
• Washington County, MN Court Services Department	Both	Both	All crimes	Both	Community service, family group conferencing, peacemaking/sentencing circles
• Cook County, IL Juvenile Probation & Court Services Department	Both	Juvenile	All crimes	Both	VOM, community service, victim restitution, offender assistance

The following section contains additional details about restorative justice programs in the three counties surveyed.

Fresno County, California. Founded in 1982, the Victim Offender Reconciliation Program (VORP) of the Central Valley, Inc. is a nonprofit agency whose restorative justice practices have been duplicated throughout the world.[7] VORP arranges meetings between the victim and offender, in the presence of a trained mediator, providing the opportunity for communication, responsibility, restitution and reconciliation. VORP deals mainly, but not exclusively, with property offenses. VORP is a sentencing alternative; it is not an additional penalty tacked onto a standard criminal sentence.

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[7] In 1995, the United Nations Alliance of NGOs Working Party adopted VORP's principles as a foundation for its work in international restorative justice.

Traditionally, referrals have come to VORP from the Fresno County Juvenile Probation Department and Juvenile Court. Youth may be referred at any time during their progress through the juvenile justice system. Referrals are based upon four criteria: 1) offender acknowledges involvement in the offense; 2) victim restitution has been ordered; 3) there is a clearly identifiable victim; and 4) there are trained volunteer mediators and staff available to manage each referral to completion.

After a referral is received and screened at VORP, it is assigned to a trained community volunteer who contacts the offender and victim, and explains the program. If the victim and offender agree to meet each other, the volunteer sets and facilitates a meeting at which the facts of the case are discussed, restitution negotiated and an agreement signed, stating the nature and amount of restitution agreed upon. After the meeting, the agreement is sent to the referring agency for approval and enforcement. VORP receives restitution payments from the offender and forwards them to the victim. When possible, VORP helps offenders find jobs to earn money to pay restitution.

Participation in the program is voluntary; while VORP may be ordered as part of a criminal sentence or as a probation condition, the referral will not be pursued if either the victim or offender is unwilling. In the event that no agreement is reached at a meeting, the case is returned to the referring agency.

VORP advised the OLA that it has not completed a formal evaluation of its program. However, it points out that victim-offender mediation results in high satisfaction with restitution agreements for both victims (59%) and offenders (73%).[8]

In 1997, a number of county agencies, in collaboration with VORP, created the Community Justice Conference (CJC), which is essentially an enlarged VORP meeting. Typically, a CJC includes the victim, offender, their parents, extended family members, teachers, faith representatives, probation officers and other agency representatives. CJC participants seek to reach unanimous agreement on an appropriate sentence (sometimes referred to as a restorative sentence) for the offender.

Like VORP, the CJC process is a sentencing alternative; but unlike VORP, cases typically involve non-violent felonies that are deemed serious enough to go to court. However, instead of pleading not guilty in order to get to trial or to a conference where the public defender and district attorney would bargain over the charge, the offender admits responsibility for what he/she did and agrees to participate in the CJC process. If the victim is unwilling to participate in a CJC, the case is returned to the court.

All participants enter a CJC with the intention of 1) recognizing the injustice of the offense; 2) searching for how to restore all those damaged by the offense as much as possible; and 3) considering the future and reaching unanimous agreement about the appropriate sentence for the offender. At the conclusion of a CJC, an agreement is signed by all in attendance and presented to the court. Unless there are special circumstances overlooked by the CJC process, the court accepts the agreement as the restorative sentence. The agreement is then incorporated into the offender's terms and conditions of probation.

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[8] *Victim & Offender Mediation Evaluations, 1994-2003*, VORP of the Central Valley, Inc., 2004.

Washington County, Minnesota. In Washington County, Court Services is the department charged with providing probation and parole services for adults and juveniles. Both pre- and post-adjudication restorative justice programs in the department began in the mid-nineties and evolved over time. Today there are four primary options available to staff, as follows:

First, the Sentence to Service (STS) program is a sentencing alternative designed to repay the community for harm incurred by a crime. In STS, low-risk offenders labor in organized work crews on projects that add value to organizations and communities throughout the county. Each day worked is credited as a jail day served or as eight hours at a pre-determined rate towards an outstanding fine. Offenders are also offered informational presentations on a variety of topics, including substance and domestic abuse, personal finance, parenting, job services and the judicial system. In 2004, the county saved over $700,000 by avoiding the cost of incarcerating STS participants for 10,000 days. Offenders completed over 85,000 hours of work during the year. With a total value of hours worked, jail days saved and participation fees collected of nearly $1.2 million, minus operating costs of $600,000, the STS program produced a net value of $600,000.[9]

Second, the Victim Offender Conferencing Program allows the victim and offender to meet face-to-face, in the presence of a volunteer or staff mediator, to talk about the facts and feelings related to the crime and develop a mutually agreeable restoration plan. Conferences may also involve family members and other key supporters. Agreements may include creative options identified as meaningful reparation by the conference participants, as well as monetary restitution or involvement in community programs. Cases may be referred prior to sentencing or as part of the sentence determined by the court. All levels of offenses may be referred to this program.

Community justice/peacemaking circles represent a third option. Circles involve judicial system professionals, offenders, victims and their respective support groups and community members in a decision-making process that combines indigenous and Western processes, including negotiation, mediation, consensus building and peacemaking. Cases are referred to a circle by probation officers or other criminal justice decision-makers, and the circle itself determines whether it will accept the case. If so, additional circles (such as healing, sentencing and follow-up circles) are held. The most typical cases referred to circles involve adult repeat offenders who have indicated a desire to change their behavior.

Court Services also engages in an ongoing effort to frame day-to-day casework of probation officers within the restorative justice philosophy. Probation officers are expected to demonstrate in writing how they expect to work a given case to reflect the department's emphasis on offender change, impact on victim and awareness of the community. Court Services advised the OLA that reframing how probation officers regard casework is time consuming and can be a wrenching experience for some, but it institutionalizes restorative justice principles into their supervision routines.

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[9] <http://www.co.washington.mn.us/info_for_residents/community_corrections/divisions_and_programs/community _justice_programs/>

Cook County, Illinois. In 1998, Illinois's General Assembly adopted the Juvenile Justice Reform Act, which incorporates the philosophy of Balanced and Restorative Justice (BARJ) as its guiding principle. The act attempts to balance three broad concepts in juvenile justice: 1) hold each offender accountable for his/her conduct; 2) have a mechanism in place that allows juvenile justice professionals to intervene early in an offender's life; and 3) increase the participation of the community in the juvenile justice process, including victims. Consistent with this act, Cook County's Juvenile Probation and Court Services Department established the following pre- and post-adjudication programs, which incorporate BARJ principles and enhance each juvenile's accountability to the victim and community as well as his/her personal competencies.

The Station Adjustment Collaboration/Early Intervention Program collaborates with the Chicago Police Department to coordinate services for youth whose cases are resolved at the arrest level through "station adjustments" rather than juvenile court. Station adjustments are an alternative to adjudication in which a youth enters into a contract pledging good behavior in exchange for avoiding prosecution.

After considering several factors, such as the juvenile's age and the seriousness of the offense, the police department may make either "formal" or "informal" station adjustments. For formal adjustments, the juvenile must admit involvement in the offense. Police, thereafter, develop a plan, with special conditions such as school attendance, curfew, community service and community mediation, which the juvenile and her/his parents must agree to and sign.[10] If the juvenile fails to abide by the terms of the formal adjustment, the case may be referred to juvenile court. For informal adjustments, police need to determine only that there is probable cause to believe that the minor committed an offense. An informal adjustment does not require the youth to agree in writing to a plan, but it places many of the same conditions on him/her as a formal adjustment. If the youth fails to abide by these conditions, police may impose a formal adjustment.

For both formal and informal station adjustments, probation officers from the department's Community Liaison Unit supervise youth and community agencies provide needed social services to juveniles.

The department's other BARJ-based programs include the Community Liaison Program, which facilitates community participation in victim impact panels, community mediation and community panels for youth and teen courts. Youth referred to juvenile court for less serious and non-violent offenses can be diverted by the Cook County State's Attorney Office, through the Diversion Compliance Program, to specialized intervention programs, including victim-offender mediation. Lastly, the Victim Advocacy Program seeks to reduce the immediate and long-term impact of being a victim, while promoting the accountability of the offender. It includes victim-based efforts to prevent delinquency, victim panels and family group conferencing.

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[10] Community mediation panels informally hear cases in this process. Panels must consist of members who reflect the social-economic, racial and ethnic make-up of the community. Minors must admit responsibility for an offense to be eligible. Dispositions may include referral for placement in a community-based non-residential program, counseling, community service and/or restitution

The following is a list of the major issues in the expansion of restorative justice in San Francisco:

Community Interest. Restorative justice often grows out of concern and frustration with the traditional criminal justice system. Under strict legal justice, victims and the community may not feel any sense of justice when their needs are not met and when offenders continue their criminal behavior despite prosecution. Offenders also may not feel any sense of justice when they are not held accountable to their victims and community for their actions. Therefore, the Board of Supervisors may wish to survey public satisfaction with the current system as well as interest in restorative justice practices.

Due Process. Legal processes provide many protections to accused offenders, both against wrongful conviction and disproportionate punishment. If these are removed, for instance by diversion from prosecution to mediation, an offender may be led to accept an excessive burden of punishment. Therefore, mediators or facilitators in any process should be neutral and concerned with protecting against the dominance of any one party in negotiation. Additionally, processes of appeal or complaint could be established for any party that feels they have been treated unfairly.

Secondary Victimization. Victims have a right to justice. This right includes an expectation that processes of dealing with the offense will not further damage them. Participation by the victim in any process should always be voluntary. Victims should themselves be allowed to determine whether the benefits of any course of action outweigh the costs. To do so they need to be provided a chance to ask questions and time to decide. They should also be provided with options for action, such as indirect mediation (without meeting the offender), a meeting with the offender and participation in a family group conference or circle.

Scope of Case Diversion. There has been a tendency to believe that restorative justice approaches are less appropriate for serious offenses. There is little basis for these views, however. Victim-offender mediation, for instance, has been used with both serious and less serious offenses (see the Other Jurisdictions section of this report). New restorative justice programs in San Francisco may sensibly concentrate at first on less serious offenses as they acquire experience, and they may remove restrictions as skills and resources permit. If a significant percentage of first-time offenders do not recidivate, then programs could begin to work with second-time offenders.

Punishment. Another common belief is that restorative justice approaches are "soft" on crime. However, restorative justice advocates argue that it is "tougher" in several senses.[11] It expects active responsibility on the part of the offender, including facing their victim and making reparations, and pays more attention to victims' needs. Advocates also argue that excessive punishment does not equate with being tough on crime, and that punishment works most effectively when carefully measured and recognized by all parties as acceptable.

Community resources. Neighborhoods in San Francisco differ in their capacities to support offenders in their midst. Restorative justice programs that seek to tap into community programs, such as job training and counseling, may therefore be tapping into something that hardly exists. Offender support resources may need to be expanded in some communities and created in others for restorative justice programs to work. Otherwise there is the danger that such programs will raise expectations and involvement of local people and groups to a level they cannot sustain.

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[11] *Restorative Justice An Overview*, Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota, Tony Marshall, 1998.

Planning process. Members of the Community Court Restorative Justice Committee have proposed the formation of a Restorative Justice Working Group, comprised of representatives from the seven major local law enforcement agencies as well as victims, ex-offenders and community-based organizations, to create an integrated plan for implementing restorative justice throughout San Francisco's criminal justice system. As a first step, committee members, in collaboration with the Sheriff's Department, are planning a two-day conference on restorative justice in January 2006, bringing City decision-makers and restorative justice researchers/practitioners together with trainers from the University of Minnesota's Center for Restorative Justice and Peacemaking to examine current and best practices.

CONCLUSION

In San Francisco, some City departments already run restorative justice programs that incorporate victim-offender mediation and family group conferencing. Others operate programs that share goals and principles of restorative justice. Still others surveyed for this report expressed interest in adopting or expanding their own restorative justice programs. Whether the Board of Supervisors should urge City departments to expand existing restorative justice programs or create new ones is a policy decision. Factors to consider include community interest and resources, due process safeguards, prevention of secondary victimization and the scope of cases to be diverted from the traditional criminal justice system.

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Gitanjali Borkar and Andrew Murray, Office of the Legislative Analyst
Date: March 31, 2006
Re: **Student-Community Relationship Policies** (BOS File No. 060144) (OLA No. 006-06)

SUMMARY OF REQUESTED ACTION

The Board passed a motion introduced by Supervisor Elsbernd requesting that the Office of the Legislative Analyst prepare a report on the following issue: As area universities expand, residents have expressed concerns regarding heightened student populations and associated activities. What policies do the cities of Berkeley, Santa Clara, and Santa Cruz have in place to ensure the peaceful co-existence of students, universities, and area residents? In addition, what public noticing requirements must universities follow when constructing new buildings, whether for student housing or other purposes?

EXECUTIVE SUMMARY

Many universities, especially those located in dense urban areas, are unable to construct housing sufficient to accommodate increasing student populations, due to budget limitations, lack of space, and other constraints. Students at these institutions must therefore arrange for their own housing in the community. While some students live in buildings primarily occupied by other students proximal to the campus, others live in less dense neighborhoods primarily inhabited by long-term residents and characterized by single-family homes. Differing activities and behaviors can create conflicts between the students and long-term occupants.

While San Francisco is beginning to experience such conflicts involving San Francisco State University (and to a lesser extent City College of San Francisco), the cities of Berkeley, Santa Clara, and Santa Cruz and their universities already have programs in place to prevent problems and foster healthy student-community relations. These and other cities have found the following programs effective at curbing disruptive student behavior:

- University codes of student conduct and educational efforts that promote responsible off-campus behavior;
- Coordination between city and university law enforcement and disciplinary bodies regarding unlawful behavior on and off campus;
- Forums for dialog between city officials, university officials, students, and community members on a broad range of topics of mutual interest; and
- City regulations regarding disruptive behavior, with escalating penalties.

The Office of Legislative Analyst recommends the following to foster healthy student-community relations:

- Passage of a resolution directing City College of San Francisco to create a student-neighbor relations program, including a code of student conduct that promotes responsible off-campus behavior, and a forum for dialog between city and university officials, students, and neighbors.
- Creation of a student-neighbor task force composed of San Francisco State University students, residents, and city and campus officials, charged with strategizing how to cultivate harmonious relations.
- Coordination between the San Francisco Police Department and university police departments and disciplinary bodies, particularly notification of university officials when students are involved in off-campus infractions.
- Passage of a "Second Response" ordinance with escalating penalties.

Members of many communities are also concerned about how modification or expansion of university campuses might impact their neighborhoods. Depending upon their nature, universities are required to follow different internal and external procedures regarding public notification and approval of development activities, in many cases including the California Environmental Quality Act and the Brown Act.

STUDENT-NEIGHBOR RELATIONS

City of Berkeley

The City of Berkeley endeavors to maintain positive student-neighbor relations primarily by regulating large gatherings, often the source of conflict between students and neighbors. The "Second Response Ordinance" (Section 13.48.020 (1993) of the Berkeley Municipal Code, Appendix A) establishes a tiered system of penalties relating to multiple responses to loud or unruly parties. Although this code cannot be used exclusively to target student-occupied properties, the city can prioritize the enforcement of this code against events that are the most disruptive or properties at which disruptive events are frequently held. Berkeley Police Department, University of California Police Department, and Student Judicial Affairs regularly discuss data on second response citations. The Berkeley Police Department also notifies campus officials when students are involved in off-campus alcohol-related infractions, so that the Dean of Students can follow up with appropriate disciplinary action.

University of California, Berkeley

The University of California, Berkeley (UCB) has a number of programs in place to foster harmonious relationships between the university, students, and neighbors.

- Student Code of Conduct

Like many universities, UCB has a Code of Student Conduct that provides guidelines for appropriate student behavior on campus and within the area immediately adjacent to the campus. The code requires

that students positively contribute to an enriching academic climate and ensure that the rights and well being of community members are protected. Student conduct that occurs off campus (and not adjacent to campus) is subject to the Code when it adversely affects the health, safety, or security of any member of the university community, or the mission of the university. The campus may exercise jurisdiction over off-campus incidents where alleged misconduct includes:

-     Physical assault or threats of violence;
-     Possession or use of weapons;
-     Possession of controlled substances;
-     Hate crimes or hazing;
-     Conduct constituting a felony; and
-     Conduct that negatively impacts members of the off-campus community and violates federal, state, or local laws.

A student found to be in violation of the code may receive a written reprimand, exclusion from certain campus privileges and activities, or expulsion.[1]

- Coordination with City Officials

The university employs a full-time Director of Community Relations, who oversees the Office of Community Relations. The office is charged with promoting mutual understanding between the university and its neighbors, including on student issues. It communicates the university's policies, projects, needs, and contributions to the surrounding communities, and transmits the community's needs and concerns to university leadership.

- Student/Neighbor Task Force

The Office of Community Relations prompted the creation of the Student/Neighbor Task Force, charged with strategizing how to maintain harmonious student-neighbor relations and composed of students, Berkeley residents, and city and campus officials. The task force has created a widely distributed brochure with good-neighbor tips and city regulations particularly applicable to students, including littering and public alcohol consumption. In addition, the task force periodically sends letters to student housing property owners describing its goals and inviting the recipients to assist by maintaining their properties and observing city regulations.

City of Fort Collins

The City Council passed a "Public Nuisance Ordinance" (2001, Appendix B) to strengthen consequences of violating certain ordinances. The city widely publicizes, through literature distributed to students, municipal codes regarding unreasonable noise, bodily waste, disturbances of the peace, illegal

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[1] For UC Berkeley in particular, in determining whether to exercise jurisdiction over such conduct, Student Judicial Affairs considers four factors: 1) the seriousness of the alleged offense, 2) the risk of harm involved, 3) whether the victims are members of the campus community, and 4) whether the off-campus conduct is part of a series of actions that occurred both on and off University property.

parking, and littering. In addition, the city contributes to a number of joint initiatives with the university, described below.

Colorado State University

UCB identifies Colorado State University (CSU) as the model for student-neighbor relation efforts, closely collaborating with Fort Collins to create a positive environment for all residents.

- Student Code of Conduct

The CSU Student Rights and Responsibilities Code offers guidelines on appropriate student behavior and a disciplinary framework similar to the UCB code.

- Community Liaison Committee

The Community Liaison Committee consists of university and city leaders and convenes quarterly to discuss concerns, particularly noise, parking, number of occupants per single-family dwelling, and neighborhood appearance. Student concerns include lack of affordable housing off campus, feeling like "second class community members," and housing standards.

- Community Liaison Coordinator

Since 1997, the university and city have jointly funded the Community Liaison Coordinator (CLC) to enhance relations between neighbors and students. Resulting programs have achieved the following:

- Informed students of the university code, local ordinances, and standards;
- Highlighted best practices of students and neighbors;
- Strengthened enforcement and prevention;
- Disposed of unwanted furniture properly; and
- Created off-campus volunteer opportunities for CSU students.

City of Santa Clara

The city adopted a "Second Response Ordinance" in 2005 (Appendix C) and dedicates a full-time police sergeant to address Santa Clara University related issues. In addition, the Santa Clara Police Department (SCPD) attends Freshmen Orientation and dorm meetings to address both crime prevention and behavior expectations. SCPD arranges for officers, student body officials and full-time residents to contact students in the University area and discuss the sometimes-competing interests in the neighborhood. The university distributes follow-up literature on these topics.

- Neighborhood-University Relations Committee

The city convenes the Neighborhood-University Relations Committee, composed of the Mayor, Council Members, City Manager, Director of Planning and Inspection, Code Enforcement, Police

Department, University officials, students, residents, property owners, and City Commissioners. One program created by this committee is Team 200, a police unit assigned specifically to the university area that responds to calls regarding loud parties and other disturbances. It also helps to enforce the Santa Clara University zero-tolerance policy toward alcohol. The committee helped enact a policy requiring permits for the use of outdoor amplification equipment.

The city has also convened an ad hoc task force composed of Planning and Police Department officials, University staff, and property managers. It meets as necessary to discuss and resolve issues with student tenants, such as assisting with the development of lease provisions that give landlords additional leverage against problem tenants.

<u>Santa Clara University</u>

- Student Code of Conduct

Santa Clara University (SCU) has a code of student conduct similar to the UC Berkeley code.

City of Santa Cruz

The City of Santa Cruz passed a "Loud and Unruly Gathering Ordinance" in 2005 (Appendix D) to address the mass of complaints concerning parties in houses rented by students. The city also collaborates with the university in enforcing the Good Neighbor Guidelines, described below. The Mayor periodically meets with the Chancellor to discuss student issues.

City Council Policy 11.2 (1998) urges all agencies with jurisdiction over the University of California, Santa Cruz to limit its growth, in order to assure that university growth does not create an "imbalance in relationship to the growth of the general community."

<u>University of California, Santa Cruz</u>

- Student Code of Conduct

University of California, Santa Cruz (UCSC) has a code of student conduct similar to UCB's. In addition, UCSC may exercise jurisdiction over off-campus incidents that severely impact or strain emergency response abilities in the surrounding community.

- Good Neighbor Guidelines

All students are expected to abide by city and State laws and and foster good relations with the surrounding community. The UCSC Good Neighbor Guidelines present detailed lists of responsible behaviors regarding the following topics: alcohol and drug consumption, traffic and parking, upkeep and beautification, and neighborhood relations. Because problems often stem from situations in which many students reside in one house, many of these guidelines particularly apply to fraternity and sorority housing. Students are encouraged to be good neighbors by:

1. Hosting annual meetings with neighbors within 300 feet, and other interested parties.
2. Providing contact numbers to neighbors within 300 feet.
3. Resolving neighborhood problems in a timely fashion and administering telephone calls to neighbors before 9:00 p.m., and in a mature and civil manner.
4. Initiating positive relations with neighbors by reducing noise, eliminating alcohol abuse, and eliminating verbal abuse.
5. Being responsible hosts:
    a. Notify neighbors within 300 feet and other relevant people at least three days prior to large functions. Notifications should include size, type of event, hours and a contact person who will be present at the event.
    b. Encourage admitted houseguests to adhere to high standards of conduct.
    c. Limit number of events held on contiguous weekends.
    d. Know every guest coming to events to ensure accountability regarding damage to student or neighbor property.
6. Setting reasonable limits on the total number of large events per quarter and for the academic year held at the residence.

The university and the city conduct annual reviews of the effectiveness of the Good Neighbor Guidelines and assume active roles in providing guidance to students and student organizations to promote compliance.

City and County of San Francisco

The City and County of San Francisco does not currently have a "Second Response" ordinance. Nor does it have a police or other program specifically focusing on and cultivating responsible behavior among students of local universities.

San Francisco State University

- Student Code of Conduct

San Francisco State University (SFSU) has a code of student conduct similar to UCB's.

- Coordination with City

The university is currently designing programs to improve student-neighbor relations, using UCB as a model. SFSU intends to hire a Community Relations Director and convene a town hall meeting for university and city officials, local area residents, and students. It also plans to eventually create a Student/Neighbor Task Force composed of students, residents, and city and campus officials to design programs on harmonious student-neighbor relations. SFSU has indicated that it intends to have plans for these initiatives in place by April 15, 2006.

<u>City College of San Francisco</u>

- Student Code of Conduct

According to Dr. Mark Robinson, Dean of Student Affairs, there are currently no specific policies that govern student behavior off campus. The City College of San Francisco (CCSF) Code of Student Conduct institutes disciplinary sanctions when students threaten any member or injure property of the District community, or fail to comply with directions of District officials or campus police officers who are acting in performance of their duties. However, these guidelines do not extend to off-campus situations with greater area residents. Dr. Robinson stated that the college intends to create policies governing student behavior in neighborhoods surrounding the college's ten campuses.

- Student-Neighbor Relations Efforts

Limited community outreach is performed by the Office of Marketing and Public Information. It disseminates information highlighting City College programs, events, developments, and achievements, including through publications such as the *City Currents* newsletter, the Chancellor's Annual Report to the Community, and press releases. None of these materials specifically address student-neighbor relations.

Table 1: "Second Response" Ordinance Provisions

City	Title	Definition	Second Response	Third Response	Additional Information
Berkeley	Second Response Ordinance	A "public nuisance" is a gathering of 10+ persons on property that disrupts quiet enjoyment of neighborhood. Police first issue warning to responsible persons.	Second police response within 60 days to abate public nuisance results in $500 fine.	Third police response within 60 days to abate public nuisance results in $1,000 fine.	Police cannot solely target property that houses students. City can prioritize resources against disruptive property.
Fort Collins	Public Nuisance Ordinance	A "public nuisance" is a social gathering that disrupts the neighborhood. Any person who permits this has committed a misdemeanor and pays abatement costs. Police can issue a $1,000 fine to each person.	Police response to second identical violation within six months may result in lawsuit or eviction of the landlord and/or persons responsible.	Police response to third identical violation within one year may result in lawsuit or eviction of landlord and/or persons responsible.	
Santa Clara	Second Response Ordinance	A gathering of 3+ people causing a threat to the peace, health, safety, or general welfare of any member of the public.	Subsequent police response to abate gathering within 48 hours results in fine to each person given warning of $500 or abatement expenses, whichever is greater. Subsequent response after 48 hours but within 30 days results in fine of $150.	A fine not exceeding $300.00 for a third response within a one-year period.	$600.00 for a fourth response and $900.00 for a fifth response within a one-year period.
Santa Cruz	Loud and Unruly Gathering Ordinance	A "loud or unruly gathering" is 2+ persons whose conduct threatens the neighborhood. The police first issue a $250 fine to responsible persons.	Second police response within 12 months to abate loud or unruly gathering results in $500 fine.	Third police response within 60 days to abate loud and unruly gathering results in $1,000 fine and is considered a misdemeanor.	In addition to fines, persons can also be charged for cost of "special security services" required.

PUBLIC NOTICING REQUIREMENTS OF UNIVERSITY DEVELOPMENT

Depending upon a number of criteria, such as whether they are public or private and whether they are situated on State land, universities are required to follow different internal and external procedures regarding public notification of meetings, and notification and approval of development activities. Generally, universities are required to provide the public with notification regarding their development activities under the California Environmental Quality Act (CEQA). In addition, public universities are required to notify the public of certain official meetings, which might include discussion of facilities remodeling, renovation, and expansion plans, under provisions of the Brown Act. Both CEQA and the Brown Act provide some flexibility to covered entities regarding the specific public notification they must provide to meet the requirements of the laws.

University of California

Development on University of California campuses is guided by long-range development plans (LRDPs), which provide a broad vision of the amount and nature of development. The creation of an LRDP itself as well as each individual development project undertaken by a campus subsequent to an LRDP are subject to CEQA, and therefore involve the standard public notification and review procedures of CEQA (Appendix D). Public notification must be provided in at least one of the ways illustrated below. In addition, campuses *may* also choose to post notices in their main libraries or other campus locations, or distribute notices via email or websites.

- At least one notification in a local newspaper with general circulation in the area affected by the proposed project;
- Posting of a notice on and off campus in the area where the project would be located; and
- Direct mailing to owners and occupants of property contiguous to the project.

To foster communication, University of California, Berkeley representatives meet monthly with City of Berkeley counterparts to share information about development proposals and other projects of mutual interest. This is an opportunity for the campus to share its facilities plans prior to the beginning of the CEQA process, and to learn about both public and private development projects that may affect the campus. The campus has also committed in its LRDP to present campus development proposals to appropriate city commissions in advance of CEQA review.

California State University

The State University Administrative Manual (SUAM) details notification requirements for the CEQA process for all California State University System campuses, including San Francisco State University. Public notification must include a description of the proposed project and any public hearings scheduled on the CEQA documents. The campus may, at its discretion, provide additional notice through any of the following methods:

- Posting a notice on campus and off-site in the area where the project is to be located.
- Mailing notices directly to owners of the property contiguous to the project.

- Placing the notice in a campus paper.
- Preparing local news releases.
- Posting of notice in electronic format on the Internet.

City College of San Francisco

Development projects at the college are guided by a master plan that is developed and adopted through a public process. All individual projects are carried out in accordance with CEQA requirements. Typical notification of development activities include notice on the college web site, postings on campus and at the college headquarters, and in some cases mailings to interested parties. Under the Brown Act, some meetings of university officials regarding facilities remodeling, renovation, and expansion must be noticed. An agenda for any regular meeting will be mailed at least three days before the event to those who request them.

RECOMMENDATIONS

The Office of Legislative Analyst recommends the following:

- Passage of a resolution directing City College of San Francisco to create a student-neighbor relations program, including a code of student conduct that promotes responsible off-campus behavior, and a forum for dialog between city and university officials, students, and neighbors.
- Creation of a student-neighbor task force composed of San Francisco State University students, residents, and city and campus officials, charged with strategizing how to cultivate harmonious relations.
- Coordination between the San Francisco Police Department and university police departments and disciplinary bodies, particularly notification of university officials when students are involved in off-campus infractions.
- Passage of a "Second Response" ordinance with escalating penalties.

Appendix A – Berkeley "Second Response Ordinance"

Section 13.48.040 Persons liable for a subsequent response to a gathering constituting a public nuisance.

If the City is required to respond to a gathering constituting a public nuisance on the same premises more than once in any sixty-day period, the following persons shall be jointly and severally liable for civil penalties as set forth in Sections 13.48.050 below, in addition to liability for any injuries to City personnel or damage to City property.
A. The person or persons who own the property where the gathering constituting a public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice. For purposes of this subsection, where a gathering takes place within the con?nes of a single unit in a building owned by a housing cooperative, the owner of the property shall be deemed to be the owner of the single unit and not the members of the housing cooperative in general. Where the gathering took place in the common area of a building owned by a housing cooperative, only the members of the cooperative owning units in the building where the gathering took place shall be deemed the owners of the property for purposes of this subsection.
Other members of the housing cooperative may still be liable if they fall within the categories of person made liable by Section 13.48.040, subsections B., C., or D., below.
B. The person or persons residing on or otherwise in control of the property where such gathering took place.
C. The person or persons who organized or sponsored such gathering.
D. All persons attending such gathering who engaged in any activity resulting in the public nuisance.
E. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section. (Ord. 6182-NS § 4, 1993)

Section 13.48.050 Schedule of civil penalties.

A. Civil penalties shall be assessed against all persons liable for the City's intervention to abate a gathering constituting a public nuisance as follows:
    1. For the second response in any sixty day period the penalty shall be the total sum of ?ve hundred dollars.
    2. For the third response in any sixty day period the penalty shall be the total sum of one thousand dollars.
    3. For any further response in any sixty day period the penalty shall be the total sum of one thousand ?ve hundred dollars for each such further response.

4. The penalties that are provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an event which is a public nuisance under this ordinance, provided however, that if the only violation of law which constituted the public nuisance under this chapter is excessive noise, the remedies provided under this chapter shall be exclusive of any other remedies provided by law to the City for such excessive noise.

B. The City shall bill all persons liable for the penalties by mail by sending a letter in substantially the form attached hereto as Exhibit "B".* Payment of the penalties shall be due within thirty days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the bill will be delinquent, and all persons liable for the penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of one hundred dollars. (Ord. 6182-NS § 5, 1993)

Section 13.48.070 Nondiscrimination against students.

This chapter shall not be enforced in a manner which targets property housing students. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against the events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors. (Ord. 6182-NS § 7, 1993)

Appendix B - Fort Collins "Public Nuisance Ordinance"

Sec. 20-31. Nuisance Gatherings.

A social gathering or party which is conducted on residential premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of any one (1) or more of the following conditions or events on neighboring public or private property: rioting; the unlawful carrying or possessing of an open container of alcohol or fermented malt beverage in public; public urination or defecation; the unlawful sale, furnishing, possession or consumption of alcohol or fermented malt beverages; the deposit of trash or litter; the destruction of property; the generation of pedestrian or vehicular traffic, standing or parking which obstructs the flow of traffic or interferes with the ability to render emergency services; excessive, unnecessary or unreasonable noise which disturbs the comfort, quiet or repose of the neighborhood, including public disturbances, brawls, fights or quarrels; or conduct or condition which injures, or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any indecent exposure by persons attending the social gathering or party, is hereby declared to be an unlawful public nuisance. (Ord. No. 19, 2005, § 3, 3-1-05)

Sec. 20-32. Prohibited

(a) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts or hosts a social gathering or party and knowingly permits such social gathering or party to become a public nuisance as defined by § 20-31 is hereby deemed to have committed a misdemeanor, and upon conviction shall be subject to the penalties as provided by § 1-15 of this Code, and may further be ordered, as a condition of any sentence, to pay the costs of abatement pursuant to § 20-33. In any prosecution for a violation of this Section, proof that the owner or tenant of the premises upon which the nuisance party occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the premises, and sponsored, conducted or hosted the social gathering or party and knowingly permitted the violation to occur.

(b) All participants in any party or social gathering declared to be a public nuisance by a police officer shall cease participating and immediately disperse upon order of a police officer, and all persons not domiciled at the site of such social gathering or party shall leave the property immediately. Any person failing or refusing to obey and abide by such order commits a misdemeanor criminal offense, and any person convicted of a violation of this Section shall be subject to the penalties provided by § 1-15 of this Code.

(c) Proof that a person convicted of a violation of this Section had attempted to disperse the participants at the social gathering or party, together with written verification that such person had initiated contact with Fort Collins Police Services or Colorado State University Police Department for assistance, shall be a mitigating factor in determining an appropriate penalty and apportionment of the cost of abatement. (Ord. No. 19, 2005, § 4, 3-1-05)

Sec. 20-33. Payment of costs of abatement; assessment; appeal.

(a) The cost of abating a public nuisance defined by § 20-30 shall be assessed against the responsible person(s) according to such apportionment as the Municipal Judge may deem appropriate. Any unpaid costs assessed against an offending property owner shall be a lien upon the property until such assessment is paid.

Appendix C - Santa Clara "Second Response Ordinance"

Municipal Code 9.05.020 Special response fee charged for use of police personnel at parties or gatherings requiring a second or additional response by police personnel.

(a)When three or more persons gather together at a premises or place in the City and a police officer at the scene determines that one or more of said persons are engaged in activities that are causing a threat to the peace, health, safety, or general welfare of any member of the public, or that such activities in any way constitute an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property of any other person, the police shall give written notice to one or more of the persons who are engaged in, or who are in control of, such activities that the activities must immediately cease, and that if a subsequent police response arising out of said activities is required within forty-eight (48) hours following such notice, a special response fee will be charged to each person identified in subsection (b) of this section. The special forty-eight (48) hour response fee is defined as the cost incurred by the City in connection with such response or five hundred dollars ($500.00), whichever is greater, and the cost calculation shall be determined as set forth in subsection (c) of this section. In those instances where multiple responses are made to the same location, but the subsequent response(s) to the same location are not made within forty-eight (48) hours, the fine progression for multiple incidents within a year of one another as provided in subsection (e) of this section will apply. In instances where the number of incidents within a year results in a fine greater than the forty-eight (48) hour second response, the greater fine shall apply.

(b)Each person responsible for, or engaged in, activities requiring a response as defined in subsection (a) of this section will be held jointly and severally liable for payment of the costs included in the special response fee. If any person responsible for, or engaged in, said activities is a minor, the minor's parents or guardians shall also be liable for such fee.

(c)Said special response fee shall be calculated as the sum total of all costs incurred by the City in connection with each response as defined in subsection (a) of this section, including, but not limited to, the costs incurred by the City for employee time, applicable administrative overhead costs, costs incurred to repair any damage caused to City property, and costs incurred relating to any injuries to City personnel. Such fee will not be in excess of one thousand dollars ($1,000.00) for each single response. The Santa Clara Police Department shall submit billing documentation to the Finance Department to establish appropriate accounting and billing procedures to collect such fees. The remedies herein set forth are nonexclusive and are in addition to any and all other remedies available to the City as provided by operation of law. The City may pursue full recovery of all damages sustained in a civil or equitable action filed with the court.

(d)This section shall only apply to activities described in subsection (a) of this section, or for which a citation may be issued for a violation of a City ordinance or State statute.

(e)Enforcement. Pursuant to SCCC 1.05.070, the City, in its prosecutorial discretion, may enforce violation(s) of the provisions of this chapter as a criminal, civil or administrative action.

(1)However, the penalty amounts for infractions provided in SCCC 1.05.070 are expressly superseded by the following provision for greater infraction fines. Each and every violation of this section, which is deemed an infraction, is punishable by:

(A)A fine not exceeding one hundred and fifty dollars ($150.00) for the first violation [this is for a second response occurring after forty-eight (48) hours has elapsed from the written warning, but it is within thirty (30) calendar days of the warning];

(B)A fine not exceeding three hundred dollars ($300.00) for a second violation [the third response] within a one-year period;

(C)A fine not exceeding six hundred dollars ($600.00) for a third violation [the fourth response] within a one-year period;

(D)A fine not exceeding nine hundred dollars ($900.00) for a fourth violation [the fifth response] within a one-year period.

(2)The administrative citation provisions of Chapter 1.10 SCCC, Administrative Penalties – Citations, may also be utilized, and the infraction penalty progression provided in subsection (e)(1) of this section shall apply. (Ord. 1764 § 5, 3-12-02. Formerly 9.05.070).

Appendix D - Santa Cruz "Loud and Unruly Gathering Ordinance"

Municipal Code 9.37.010 – 9.37.060

9.37.010. DEFINITIONS.
The following terms used in this Chapter shall have the meanings set forth in this Section.
(a) "Responsible person(s)" shall mean a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering. "Responsible person" shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years.
To incur liability for special security service charges imposed by this Chapter the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This Chapter therefore imposes vicarious as well as direct liability upon responsible persons.
(b) "Special security services" shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within twelve months of a first response as provided in this Chapter.
(c) "Loud or unruly gathering" shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of Chapter 9.36. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance."

9.37.020. RESPONSE TO LOUD OR UNRULY GATHERINGS.
When a police officer responds to a first loud or unruly gathering at premises in the City with a given address, the officer shall inform any responsible person at the scene that:
(a) The officer has determined that a loud or unruly gathering exists; and
(b) Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months."
Only one warning will be given pursuant to this Section before the City assesses special security service costs pursuant to Section 9.37.030. If a responsible person cannot be identified at the scene, the Police Department may issue a warning to one of the other responsible persons identified in Section 9.37.010(a) or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

Section 5. Section 9.37.050 is hereby added to the Santa Cruz Municipal Code to read as follows:
"9.37.050. VIOLATIONS/FINES.
(a) It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a twelve month period shall constitute a misdemeanor.
(b) Fines.
(1) A first violation of this Section shall be punishable by a $250 fine.

(2) A second violation of this Section at a given address in the City within a given twelve month period shall be punishable by a fine of $500.

(3) A third or subsequent violation of this Section at a given address in the City within a given twelve month period shall be punishable by a fine of $1,000.

(c) The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this Chapter.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

(e) The fine schedule prescribed at subsection (b) is a "rolling schedule" meaning that in calculating the fine payable the Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory twelve month period. A warning given pursuant to Section 9.27.020 shall remain in effect for the premises at a given address until a full twelve month period has elapsed during which there have been no loud or unruly gatherings at those premises."

Appendix E – Public Involvement in the UC CEQA Process

Project Definition/Environmental Classification	
University Action	**Public Opportunity**
Prepare an Environmental Impact Classification Form (EIC)	There is no required public involvement during this stage of project review.
Negative Declaration	
University Action	**Public Opportunity**
File public <u>Notice of Intent to Approve a Negative Declaration</u> and provide 30-day public review period (CEQA Guidelines 15072, 15073)	Submit comments on proposed Negative Declaration. Optional (informal) public meeting.
File Notice of Determination (<u>NOD</u>) (CEQA Guidelines 15082).	30-day Statute of Limitations for any legal challenges.
Environmental Impact Report	
University Action	**Public Opportunity**
File and distribute Notice of Preparation (<u>NOP</u>) and provide 30-day response period (CEQA Guidelines 15082).	Submit written comments on NOP. If desired, request meeting with campus staff to discuss project.
Hold a <u>scoping session</u> (optional).	Attend the scoping session and provide verbal or written comments on the content of the EIR.
File Notice of Completion (<u>NOC</u>) and publish Notice of Availability (NOA). Distribute copies. Provide 45-day State/public review period (CEQA Guidelines 15085).	Submit written comments on adequacy of the Draft EIR.
Conduct <u>public hearing</u> on the Draft EIR (Amended UC Procedures for Implementation of CEQA, Section IIIA).	Submit written or verbal comments on the Draft EIR.
Prepare <u>Final EIR</u> Responses to Comments document (CEQA Guidelines 15132, 15088).	No public involvement.
Provide <u>responses to comments</u> from public agencies ten days prior to project approval. (CEQA Statute 21092.5(a)).	Review responses to public agency comments.
Certify the <u>Final EIR</u> and file Notice of Determination (<u>NOD</u>) (CEQA Guidelines 15088, 15094).	30-day Statute of Limitations for any legal challenges.

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Andrew Murray, Office of the Legislative Analyst
Date: May 16, 2006
Re: **Allocation of Violence Prevention Supplemental Appropriation**
(BOS File No. 060544) (OLA No. 043-06)

SUMMARY OF REQUESTED ACTION

The Board approved a motion introduced by Supervisor Ma requesting that the Office of the Legislative Analyst prepare a report on how funds appropriated under a recent violence prevention supplemental will be expended by the various departments.

FINDINGS

On April 25, 2006, the Board of Supervisors passed on second reading an ordinance (BOS File No. 060412) appropriating $6,371,327 to fund violence prevention programming and investments in the following departments:

- Children, Youth and Their Families ($1,731,327)
- Department on the Status of Women ($800,000)
- Juvenile Probation ($1,390,000)
- Mayor's Office of Community Development ($450,000)
- Mayor's Office of Criminal Justice ($100,000)
- Mayor's Office of Economic and Workforce Development ($1,300,000)
- Public Defender's Office ($200,000)
- Sheriff's Department ($400,000)

Table 1 contains additional detail on the planned uses of the appropriation.

Table 1. Uses of Appropriation

Department	Description	Amount
Children, Youth and Their Families	School Based Violence Prevention Services	$800,000
Children, Youth and Their Families	Community Outreach and Street Level Intervention	$931,327
Department on the Status of Women	Domestic Violence Programs	$800,000
Juvenile Probation	Log Cabin Ranch Capital Planning and Investment	$1,000,000
Juvenile Probation	Juvenile Offender Violence Prevention Initiative	$390,000
Mayor's Office of Community Development	Micro-Enterprise and Technology for Employment in Impacted Communities	$400,000
Mayor's Office of Community Development	Children's Transportation	$50,000
Mayor's Office of Criminal Justice	Technical Assistance	$100,000
Mayor's Office of Economic and Workforce Development	CityBuild Expansion—Outreach and Compliance	$300,000
Mayor's Office of Economic and Workforce Development	Job Creation Programs and Strategies for Youth over 18	$500,000
Mayor's Office of Economic and Workforce Development	Community-Based Pathways to Development	$500,000
Public Defender's Office	Service Coordination and Enhanced Re-entry for Ex-Offenders	$200,000
Sheriff's Department	Community Violence Prevention Programs	$400,000
Total		**$6,371,327**

The departments reported the following plans for allocating the funding. Uses include a wide range of activities, such as capital projects, social service augmentations, pre-apprenticeship job training, micro-enterprise loans, transitional housing, and transportation services. Table 2 records which departments intend to issue a Request for Proposals (RFP) related to their violence prevention supplemental appropriation projects.

Table 2. Departments that Intend to Issue a Request for Proposals (RFP) Related to Violence Prevention Supplemental Appropriation Projects

Department	Description	RFP?
Children, Youth and Their Families	School Based Violence Prevention Services	Yes
Children, Youth and Their Families	Community Outreach and Street Level Intervention	Yes
Department on the Status of Women	Domestic Violence Programs	No
Juvenile Probation	Log Cabin Ranch Capital Planning and Investment	Yes
Juvenile Probation	Juvenile Offender Violence Prevention Initiative	Yes
Mayor's Office of Community Development	Micro-Enterprise and Technology for Employment in Impacted Communities	Yes
Mayor's Office of Community Development	Children's Transportation	Yes
Mayor's Office of Criminal Justice	Technical Assistance	Yes
Mayor's Office of Economic and Workforce Development	CityBuild Expansion—Outreach and Compliance	No
Mayor's Office of Economic and Workforce Development	Job Creation Programs and Strategies for Youth over 18	No
Mayor's Office of Economic and Workforce Development	Community-Based Pathways to Development	Yes
Public Defender's Office	Service Coordination and Enhanced Re-entry for Ex-Offenders	No
Sheriff's Department	Community Violence Prevention Programs	Yes

Children, Youth and Their Families

The Department of Children, Youth and Their Families (DCYF) intends to invest $800,000 in school based violence prevention programs and $931,327 in community outreach and street level intervention.

School-Based Programs

$300,000 of the $800,000 for school-based programs will be directed at the development of new wellness services (based on the Wellness Initiative model) at the two main alternative high schools serving high school student populations plagued by violence (Ida B. Wells and Downtown). New services will include a full-time wellness coordinator (or nurse), a part-time mental health and substance abuse counselor, and a health outreach worker to provide direct services to students and assist in the promotion of a healthy school climate.

The balance of the $800,000 ($500,000) will be invested in increased site based violence prevention services at six large, high-need high schools identified by the San Francisco Unified School District (SFUSD) (Balboa, Burton, Galileo, Marshall, Mission & Newcomer, and O'Connell). Funding, equally divided between the campuses, can be used for the following purposes:

- Training for school staff on a variety of topics (including peer led conflict mediation, conflict resolution, cultural awareness/acceptance, ethnic studies, classroom behavior management strategies, and building a safe school culture);
- Increased behavioral health counseling hours (services provided by Richmond Area Multi-Services);
- Increased violence prevention service coordination provided by a staff person charged with increasing the availability, coordination, and impact of violence prevention and response services; and
- Increased services of community based organizations providing school-based counseling and case management services to address racial tensions, cultural awareness and acceptance, harassment, gangs, conflict mediation, and anger management.

Site based violence prevention plans would be reviewed by the Wellness Steering Committee, which is comprised of representatives of the Department of Public Health, SFUSD and DCYF. DCYF will finalize plans, determine contracting, and monitor outcomes.

Community and Street Level Programs

DCYF intends to program $931,327, which is currently on reserve, to expand its Community Response Network (CRN) program. The CRN focuses its work, primarily targeting young adults ages 14 to 24, in three core areas: 1) crisis response; 2) case management services and development; and 3) street level outreach. DCYF intends to: 1) expand programs to provide full-scale, comprehensive services; 2) expand services for Asian/Pacific Islander communities; and 3) add new components to the CRN model (leadership and self-esteem, and training and capacity building). Expanded CRN will be directed

to the Mission (and Excelsior and Bernal Heights), Bayview (and Potrero Hill and Visitacion Valley), and the Western Addition.

Supplemental funding will allow the existing Mission CRN to transition from a relatively skeletal model of outreach and case management to a more intensive model including:

- Greater long term case management services;
- Additional street level outreach workers who are more adequately compensated to reduce turnover;
- Mental health services from licensed clinicians;
- Transportation services;
- Expanded neighborhood contact beyond existing boundaries;
- Leadership and self esteem development; and
- Training and capacity building.

This expanded model will be replicated in Bayview and Western Addition.

As a result of the supplemental for community and street level programs, total funding for each of the CRNs, including already committed funding, will be the same for each of the three locations, $669,000. Funding for the Mission CRN will flow to the existing contractor. The selection of contractors for the other neighborhoods, Bayview and Western Addition, will take place through RFPs, and will hopefully be completed by the end of June 2006.

Department on the Status of Women

The department reports that the $800,000 supplemental appropriation has been earmarked for one-time capital costs and service augmentations of the department's current domestic violence and sexual assault contractors. The funding will be allocated among contractors as an equal percentage of their regular FY 2005-06 funding. Eligible expenditures will include:

- Capital investments;
- Public education and outreach to underserved and vulnerable populations;
- Staff development, training, and consultants (in crisis response, disaster preparedness, fund development, technology, financial management, or management and strategic planning); and
- Disaster preparedness supplies.

Juvenile Probation

The department intends to allocate $1,000,000 to Log Cabin Ranch Capital Planning and Investment and $390,000 for a Juvenile Offender Violence Prevention Initiative. The Log Cabin Ranch Capital Planning and Investment appropriation will be invested as illustrated in Table 3 below.

Table 3. Log Cabin Ranch Capital Planning and Investment	
Project	Amount
Updates to gym at Hidden Valley	$125,000
Updates to dormitory at Log Cabin Ranch	$445,000
Updates to administration building	$70,000
Architecture/engineering, construction management, and project management of the updates listed above	$160,000
Project/program development, including technical assistance in developing a long-term program vision and capital plan and design for an improved institution	$200,000
Total	$1,000,000

The department has issued an informal RFP in the amount of $20,000 for technical assistance to help establish the vision and capital plan (under the project/program development line item) for Log Cabin Ranch. An RFP for the balance of the project/program development line item ($180,000) is currently under development, which will secure technical assistance to help design an improved institution, both programmatically and environmentally, that combines revenue-generating features with programmatic components.

The $390,000 for the Juvenile Offender Violence Prevention Initiative will be allocated to Evening Reporting Centers. $100,000 will be earmarked for existing Evening Reporting Centers, based on performance measures that are in the process of being developed. The balance of $290,000 will be allocated to two new Evening Reporting Centers through an RFP that the department issued in April for a return date of 5/19/06.

Mayor's Office of Community Development

The department intends to use its $450,000 allocation for two programs, micro-enterprise development ($400,000) and Village Vans ($50,000).

Through the micro-enterprise program, the department will seek to establish micro-enterprises in low-income neighborhoods including Bayview Hunters Point, Visitacion Valley, Western Addition, Mission, and the Tenderloin. The program will contain five parts: 1) Basic business planning training for clients, including development of a business plan, through existing micro-enterprise training community based organizations. 2) Support services and ongoing technical assistance to clients that launch businesses. 3) Capital investment grants of up to $5,000 per participant for computers, production equipment, and marketing materials and to pay studio time and inventory. 4) Expansion loans from a $100,000 revolving loan pool. 5) Creation of a business incubator. Community based organizations will provide the training and support services. A Request for Qualifications will be released in June.

Low-income youth cite lack of "safe passage" as a prime reason for not accessing community based social service programs. In response, the department created the Village Vans program, which provides a ready-to-go van to transport up to 15 young people to and from agencies and other destinations to designated safe zones within communities. The department intends to use $50,000 to purchase a van and this investment will supplement $250,000 in funding secured from private sources for this program. The department will issue an RFP in July for program staffing, outreach, and maintenance.

Mayor's Office of Criminal Justice

The Mayor's Office of Criminal Justice intends to use $100,000 to provide technical assistance for community support groups, healing circles, and ex-offender groups. These funds will be made available to healing circles and other victim services groups through mini-grants of up to $3,500 per agency. An RFP will be developed to solicit requests from the various support groups to aid in training, supplies and materials, reproduction costs for flyers, newsletters and other mailings used in their outreach efforts.

Mayor's Office of Economic and Workforce Development

The Mayor's Office of Economic and Workforce Development (MOEWD) intends to use $800,000 to expand CityBuild ($300,000 for additional staff and $500,000 for pre-apprenticeship training) and $500,000 for Pathways to Careers, a program to create community-based pathways into high-wage industries for young adults with multiple barriers to employment.

Regarding CityBuild, MOEWD will use $300,000 to hire three in-house staff, a Contract Compliance Officer II, a Contract Compliance Officer I, and an Employment Liaison. Staff will work with 300+ construction projects that are expected to be underway in the City within the next 12-18 months to ensure that the contractors are meeting their local hiring requirements.

MOEWD will also use $500,000 to support students in the CityBuild Academy, a pre-apprenticeship program through which community based organizations provide hands-on and classroom training designed to prepare clients for various skilled trade jobs that are relevant to today's construction industry. MOEWD does not currently provide any financial support to academy participants, but has determined that this is key to the program's success. It therefore intends to use $350,000 of the $500,000 to cover participants' costs of transportation, meals, tools, and childcare. The remainder will be used to enable potential participants to meet the academy's entry requirements, such as helping students obtain a GED, a driver's license, etc. The entire $500,000 will be awarded to community based organizations that are currently working with CityBuild.

In addition, MOEWD will direct $500,000 to its Pathways to Careers Initiative to create community-based pathways into high-wage industries for young adults with multiple barriers to employment. The $500,000 will be provided as grants to nonprofit organizations that have demonstrated success in implementing job-training programs that have partnerships with industry and connections to school-sites, demonstrated success working with traditionally under-served and disengaged youth, and a track record of placing trainees in internships and jobs. A Notice of Funding Availability (NOFA) for this allocation was posted on the MOEWD website on May 2, 2006, and funding will be made through a competitive process over the next several months.

Public Defender's Office

The department intends to use its $200,000 allocation to fund three one-year in-house positions, one court alternative specialist and two social workers. The court alternative specialist will serve as the program coordinator for the SF Safe Communities Re-Entry Council. The SF Safe Communities Re-

Entry Council was formed in October 2005 by Supervisor Mirkarimi and brings together over two dozen government agencies and re-entry service organizations to design and implement a multi-agency service plan. The program coordinator will oversee the development of the Council's strategic re-entry plan, which will be submitted to the Board of Supervisors and the California Department of Corrections in 2006. The court alternative specialist will also help implement the adopted plan.

The two social workers will serve as caseworkers. One will focus on designing and funding a local re-entry court. The other will provide at least 50 parolees returning to San Francisco and probationers with comprehensive health, education, and employment services.

Sheriff's Department

The Sheriff's Department intends to program its $400,000 as part of its Resolve to Stop the Violence Project (RSVP). Specifically, it intends to allocate $172,550 to provide community services to 80 to 120 RSVP clients in underserved locations. Individual case plans will be developed for each client, and a wide variety of service modalities will be provided. The estimated average length of stay in the program is 90 days.

For clients that cannot effectively access support services because of addiction, the Sheriff's Department will allocate $47,450 to prevent drug relapse by securing beds at a local drug treatment facility. These will supplement a few existing beds the department currently has under contract.

The department intends to allocate $180,000 for transitional housing/residential support for re-entry. Modeled after the cooperative apartment programs of Progress Foundation, the department will work with landlords to identify and lease small residential units totaling 15 beds to encourage independent living. Case management will support program participants to assure successful return to their community. The department does not currently have any transitional housing resources.

The Sheriff's Department intends to issue an RFP for all components of the proposed program and encourage neighborhood and faith-based organizations to apply. Successful proposals will include measurable goals and objectives to establish evaluation criteria for each component.

LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Adam Van de Water, Office of the Legislative Analyst
Date: September 15, 2006
RE: **Police Disciplinary Procedures** (BOS File No. 061140) (OLA No. 071-06)

SUMMARY OF REQUESTED ACTION

The Board passed a motion introduced by Supervisor Elsbernd requesting that the Office of the Legislative Analyst research the disciplinary practices in other California police departments. The report should focus on comparing the disciplinary authority of San Francisco's Police Chief, Office of Citizen Complaints (OCC) and Police Commission with peer police departments throughout California.

METHODOLOGY

The OLA contacted the Police Executive Research Forum's Center for Force and Accountability, the International Association of Chiefs of Police, the Police Assessment Resource Center, and University of Nebraska Professor of Criminal Justice and police accountability expert Samuel Walker and found that no research was known to exist on the comparative disciplinary processes of California police departments.

The OLA therefore surveyed the eight largest cities in California by population – Los Angeles, San Diego, San Jose, San Francisco, Long Beach, Fresno, Sacramento, and Oakland – and worked with Anthony Ribera, Director of the University of San Francisco's International Institute of Criminal Justice Leadership (IICJL) and former Chief of the San Francisco Police Department (SFPD), to determine the authority of the Chief of Police to discipline officers for misconduct. The OLA interviewed police department staff in each of the eight jurisdictions and Mr. Ribera issued a request for similar information to all members of the California Police Chiefs Association. Mr. Ribera received 42 responses, mostly from small to mid-size California cities.

Results of the two surveys are combined in Appendix I, attached.

PUNISHMENT FOR OFFICER MISCONDUCT – AN OVERVIEW

In response to an accusation of officer misconduct, most California police departments place officers on administrative leave, temporary suspension or in an office position that minimizes public contact while an internal affairs division conducts an investigation. At the conclusion of the investigation and if the allegation is sustained, the Chief or his or her commanding officers impose one of many punitive actions. This can include counseling or training, written reprimand, transfer for purposes of punishment, reduction in salary, suspension without pay, demotion (though rare), or termination of employment.

In most cases the actual disciplinary action invoked is determined by explicitly defined disciplinary guidelines in combination with the case-by-case details of the situation and the officer's history, if any, of prior misconduct. This allows for both prescriptive discipline (known punishments for known offenses) and progressive discipline (discipline that increases in severity with each successive offense).

In all cases, officers may appeal disciplinary actions to an objective third party identified by the local public agency (typically a civil service commission, city department, or citizen oversight board).[1]

San Francisco Police Department
SFPD has a very strong level of public oversight with an Office of Citizen Complaints (OCC), and a citizen Police Commission. San Francisco is cited by the U.S. Department of Justice and researchers at the University of Nebraska as providing "meaningful civilian oversight"[2] with an OCC that serves as a best practice model in the area of policy recommendation[3] and the investigative model of civilian review[4].

However, as a result SFPD also has a very decentralized disciplinary process relative to other jurisdictions. In the eyes of many police professionals the OLA interviewed, this shared responsibility can create a decentralized disciplinary environment that challenges effective leadership of the department.

Whereas most jurisdictions vest command staff and the Chief with exclusive disciplinary authority (sometimes with the approval of a city manager or civil service commission – see below), disciplinary action within SFPD is shared by the Chief and his or her command staff, the Office of Citizen Complaints (OCC), and the Police Commission.

Minor officer infractions (such as failure to appear on the range or failure to complete a mandatory physical fitness evaluation) are handled by the commanding officer at each district station. More serious allegations are either investigated internally by SFPD's Management Control Division (MCD) or by the OCC and may be referred to the Police Commission for disciplinary action. While either body can investigate any allegation (and sometimes both do), typically MCD investigates officer shootings, in-custody deaths, or allegations while the officer is off-duty while the OCC investigates allegations of excessive force, civilian harassment, and other infractions while in the line of duty. OCC and MCD investigations determine whether or not the allegation is sustained and may include a recommendation to the Chief for disciplinary action. The OCC may also independently file charges with the Police Commission.

[1] The Public Safety Officer' Procedural Bill of Rights Act (California Government Code Sections 3300-3311, enacted January 1, 1977 and the first of its kind) specifies the conditions under which any public safety officer in California may be investigated or interrogated if it could lead to punitive action. Section 3304 (b) also specifically provides for the right to administrative appeal for any punitive action or denial of promotion on grounds other than merit.
[2] "Principles for Promoting Police Integrity", U.S. Department of Justice, January 2001.
[3] "Citizen Review of Police – Approaches & Implementation", U.S. DOJ, National Institute of Justice (NIJ), March 2001.
[4] "Best Practices in Police Accountability – Models of Citizen Oversight", from the Department of Criminal Justice, University of Nebraska, December 2002.

Perhaps the largest difference between the SFPD and other jurisdictions is the concentration of disciplinary power in the hands of the Police Commission rather than the Chief of Police or City Manager/City Administrator. Per Charter Section A8.343, the Police Commission, a citizen oversight body and one of the few of its kind in the state with disciplinary authority, determines all disciplinary action beyond 10-day suspensions and serves as the appellate body for all officer appeals. Police Commissions in jurisdictions such as Los Angeles do not intervene in disciplinary cases, serving instead as a policy review body for and supervisor of the Chief of Police. This is why some practitioners of comparative police oversight have called San Francisco "notoriously unique."[5]

<h2 style="text-align:center">FINDINGS</h2>

Finding #1: Most large California jurisdictions afford the Chief of Police wider latitude to discipline officers for misconduct than does the City and County of San Francisco.

In Council-Manager forms of government, the City Manager/Administrator typically retains final disciplinary power, but delegates most, if not all, of the less serious cases to the Chief of Police. This is true, for instance, in the similarly sized jurisdictions of Oakland[6], San Jose, and Long Beach. Even in many jurisdictions where the Charter or Municipal Code specifically names the City Manager as responsible for disciplinary action, in practice the Chief of Police recommends and ultimately imposes most disciplinary action and the City Manager only intervenes formally and when necessary.

In other jurisdictions, the Chief of Police is afforded wide latitude to discipline officers without external oversight, up to and including both suspension and termination. In these cases, disputes may be appealed to a civil service commission, city department, or citizen oversight board.

These survey findings among large jurisdictions are backed by similar findings by retired SFPD Chief Anthony Ribera who posed the question to the California Police Chiefs Association. More than half of all responding jurisdictions (24 of 42) afforded their Chief of Police exclusive disciplinary authority and the remainder (18 of 42) provided varying degrees of authority to suspend, ranging from a purely advisory role to the City Manager up to a maximum suspension of one year in length (see Appendix I below).

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[5] Phone interview with former SF Deputy City Attorney, current counsel to the City of Santa Cruz Citizen Police Review Board, and long-term police management consultant Bob Aronson, 8/17/06. Tony Ribera of the USF IICJL expressed a similar sentiment.

[6] Though Oakland now has a "strong mayor" form of government, police discipline is still overseen by the City Administrator.

Finding #2: Suspensions beyond 30 days are rare and largely considered unnecessary.

A common threshold for suspensions by the Chief of Police and/or the City Manager appears to be 30 days. Other than San Francisco, only three cities surveyed – the Cities of Burbank, Pacifica, and Santa Ana – are known to allow for suspensions beyond 30 days.

In the words of Deputy Chief Michael Berkow of the Los Angeles Police Department,

> *"SFPD stands alone in the state in doing long term suspensions. I have surveyed in the state (and I was a Chief in three other departments in CA): basically no one suspends for more than 30 days. Conduct worthy of longer than 30 days equals termination."*

CONCLUSION

SFPD is unique among its peer California police departments in how it handles discipline for officer misconduct. With both an Office of Citizen Complaints and a citizen-run Police Commission, SFPD's disciplinary structure has stronger citizen oversight than other comparable jurisdictions but also has a more decentralized disciplinary environment that some have criticized as ineffective.

The OLA could find no other jurisdiction that concentrated so much disciplinary authority in the hands of a civilian body like San Francisco's Police Commission.

	Eight Largest California Jurisdictions Surveyed by the OLA				
	Disciplinary Authority	**Max. Suspension Authority for Chief of Police**	**Additional Suspension Lengths Approved By**	**Police Department Structure**	**Contact**
Los Angeles	The Chief may discipline up to and including a 22-day unpaid suspension. Officers may accept this suspension or may appeal to a Board of Rights composed of one civilian and 2 officers at the Captain level or above. The Board of Rights handles all higher disciplinary actions. The Mayor and City Manager do NOT get involved in police disciplinary actions. If Board of Rights renders a guilty decision, they recommend a penalty to the Chief who may only accept or lower the penalty.	22 days	Board of Rights	Approximately 9,200 sworn officers, City Manager, Board of Rights.	Lieutenant Rob Hauck
San Diego	The Chief of Police has exclusive disciplinary power, though cases may be appealed to the Civil Service Commission. Internal Affairs unit conducts all investigations on a case-by-case basis. Officer's superior then recommends punishment based on the totality of the employee's experience.	30 days	N/A	Approximately 2,100 sworn officers. No Police Commission. Citizen's Review Board plays an advisory though not investigative role.	Lieutenant Brian Blagg – Internal Affairs
San Jose	Chief makes recommendations on notices of discipline. Office of Employee Relations and City Attorney still has to approve. Appeals are to an arbitrator or to the Civil Service Commission.	1 day (10 hours)	City Manager's Office of Employee Relations	Approximately 1,400 sworn officers. No Police Commission. Independent Police Auditor.	Barbara Attard or Sergeant Phan Ngo Internal Affairs

	Disciplinary Authority	Max. Suspension Authority for Chief of Police	Additional Suspension Lengths Approved By	Police Department Structure	Contact
San Francisco	Chief can suspend for up to 10 days. Office of Citizen Complaints Director can (after meet and confer with the Chief) take disciplinary charges directly to the Police Commission. Suspensions beyond ten days may only be issued by Police Commission.	10 days	Police Commission	1,971 minimum sworn officers; Office of Citizen Complaints; Police Commission	Sergeant Rob O'Sullivan and Police Commission Clerk Risa Cuizon
Long Beach	The Charter grants disciplinary authority to the City Manager but in practice this is delegated to department heads (including the Police Chief) for all discipline short of termination.	30 days *(though in practice the City Manager only intervenes in cases of termination)*	City Manager	Approximately 970 sworn officers.	Lieutenant Lembi in Internal Affairs
Fresno	Internal Affairs investigates claims of misconduct. Chief makes all disciplinary decisions. Civil Service Board handles all appeals. Disciplinary action often depends on officer's previous record.	Unknown	N/A	Approximately 1,000 sworn officers. No Police Commission.	Sergeant Wilson in Internal Affairs
Sacramento	Discipline is entirely handled by the department, in consultation with the City's Labor Relations Department. The Chief determines all suspensions and their lengths.	20 days (160 hours)	N/A	700-750 sworn officers. City Manager Office of Public Safety Accountability. No citizen oversight body.	Sergeant Paul Freeman
Oakland	The Chief handles discipline, with oversight by the City Administrator. The OPD Discipline Matrix outlines 5 levels of disciplinary action, including suspension. Citizen's Police Review Board may also recommend discipline to the Chief.	10 days	City Administrator	Approximately 740 sworn officers. City Manager, Citizen's Police Review Board.	Officer Christopher Bolton, OPD Internal Affairs

	Disciplinary Authority	Max. Suspension Authority for Chief of Police	Additional Suspension Lengths Approved By	Contact
	18 Jurisdictions Have Limited Power to Terminate or Suspend			
1. Antioch	Documented counselings to termination require City Manager approval.	Recommend only	City Manager	Chief Jim Hyde
2. Arcata	City Manager imposes disciplinary action beyond 3 days, at the recommendation of the Chief of Police.	3 days	City Manager	Chief Randy Mendosa
3. Berkeley	Suspensions beyond 3 days are imposed by the City Manager at the recommendation of the Chief. Maximum suspensions by the City Manager are for 30 days.	3 days	City Manager	Chief Douglas Hambleton
4. Carmel	Chief of Police may only recommend suspensions to City Administrator who has final authority to impose modify the Chief's recommendation.	Recommend only	City Administrator	Chief George Rawson
5. Greenfield	Only the City Manager may impose an action resulting in a loss of pay (other than a removal from special assignment) for failure to perform.	Recommend only	City Manager	Chief Joe Grebmeier
6. Grover Beach	Chief of Police has the authority for all disciplinary action including terminating an officer with concurrence of the City Manager.	Unknown	City Manager	Chief Jim Copsey
7. Half Moon Bay	City Manager is the only executive that can impose disciplinary action.	Recommend only	City Manager	Chief Israel Ortiz
8. Laguna Beach	The Chief of Police may recommend any disciplinary action but does not have the authority to impose it.	Recommend only	Unknown	Chief Michael Sellers
9. Lompoc	Chief of Police may suspend for up to 30 days and may terminate with the concurrence of the City Manager and Personnel Officer.	30 days	City Manager and Personnel Officer	Chief William F. Brown, Jr.

	Disciplinary Authority	Max. Suspension Authority for Chief of Police	Additional Suspension Lengths Approved By	Contact
10. Los Angeles		-- See above --		
11. Milpitas	The Chief of Police may enforce up to and including termination, with the concurrence of the City Manager.	Unknown	With concurrence of City Manager	Chief Dennis Graham
12. Newport Beach	Chief of Police has the authority up to and including termination, with the concurrence of the Civil Service Commission.	Unknown	Civil Service Commission	Chief Bob McDonell
12. Novato	Chief of Police may suspend for up to 30 days and may terminate with the concurrence of the City Manager.	30 days	With concurrence of City Manager	Chief Joseph Kreins
13. Pacifica	Chief of Police may suspend for up to one year and may terminate with the concurrence of the City Manager.	1 year	N/A	Chief Jim Saunders
14. Salinas	The Chief of Police may enforce up to and including termination, with the concurrence of the City Manager.	Unknown	With concurrence of City Manager	Chief Daniel Ortega
15. San Bruno	Chief of Police may suspend for up to 30 days and may recommend termination to the City Manager.	30 days	City Manager	Chief Lee Violett
16. Santa Clara	Chief of Police can only recommend discipline, beyond a letter of reprimand.	Recommend only.	City Manager	Chief Stephen Lodge
17. Walnut Creek	Chief of Police may suspend for up to 3 days and may recommend longer suspensions or termination to the City Manager.	3 days	City Manager	Captain Dennis Bell

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	Max. Suspension Authority for Chief of Police (if specified)	Contact
	24 Jurisdictions Have Exclusive Power to Terminate or Suspend	
1. **Anaheim**		Chief John Welter, jwelter@anaheim.net
2. **Banning**		Chief John Horton, jhorton@ci.banning.ca.us
3. **Beverly Hills**		Sergeant Michael Publicker, mpublicker@beverlyhills.org
4. **Burbank**	90 days	Chief Tom Hoefel, Thoefel@ci.burbank.ca.us
5. **Burlingame**		Chief Jack Van Etten, vanetten@police.ci.burlingame.ca.us
6. **Chula Vista**		Captain Gary Wedge, Gwedge@chulavistapd.org
7. **Davis**		Assistant Chief Steven Pierce spierce@ci.davis.ca.us
8. **Fremont**	No limit	Chief Craig Steckler, csteckler@ci.fremont.ca.us
9. **Fresno**		*-- see above --*
10. **Huntington Beach**		Chief Kenneth Small, ksmall@hbpd.org
11. **Inglewood**	30 days	Lieutenant Mark Fronterotta, mfronterotta@cityofinglewood.org
12. **Livermore**		Chief Steve Krull, skrull@ci.livermore
13. **Mountain View**		Chief Scott Vermeer, scott.vermeer@mountainview.gov
14. **Orange**		Chief Robert Gustafson, rgustafson@orangepd.org
15. **Placerville**		Chief George Nielsen gnielsen@ci.placerville.ca.us
16. **Ripon**	3 days	Chief Richard Bull, rabull@cityofripon.org
17. **Rohnert Park**		Chief Tom Bullard, tbullard@rpcity.org
18. **San Carlos**		Chief Gregory Rothaus, grothaus@cityofsancarlos.org
19. **Santa Ana**	90 days	Asst. City Attorney Paula Coleman, pcoleman@ci.santa-ana.ca.us
20. **Seal Beach**	10 days	Chief Jeff Kirkpatrick, jkirkpatrick@ci.seal-beach.ca.us
21. **South San Francisco**		Chief Mark Raffaelli, mark.raffaelli@ssf.net
22. **Twin Cities**		Captain Todd Cusimano, tcusimano@tcpd-authority.org
23. **Vallejo**		Bob Nichelini, michelini@ci.vallejo.ca.us
24. **Yuba City**		Chief Richard Doscher, rdoscher@ubacity.net

LEGISLATIVE ANALYST REPORT

From:	Andrew Murray, Office of the Legislative Analyst
Date:	July 2, 2007
Re:	**Natural Areas Management Plans** (BOS File No. 061559) (OLA No. 096-06)

SUMMARY OF REQUESTED ACTION

The Board of Supervisors approved a motion introduced by Supervisor Elsbernd requesting that the Office of the Legislative Analyst (OLA) research natural areas plans comparable to San Francisco's that have been implemented in other jurisdictions. The motion also directed the OLA to explore existing studies that provide data that may assist in determining potential costs for San Francisco's draft Significant Natural Resource Areas Management Plan (SNRAMP).

EXECUTIVE SUMMARY

Natural areas programs are growing in popularity as jurisdictions recognize the value of remnant historic ecosystems and undeveloped parkland. Local programs exhibit great diversity in design and implementation. Regarding planning particularly, prominent local programs have followed many different pathways in establishing overall program goals, system-wide practices, and park-specific work plans. This is somewhat unusual - often local government programs (addressing various issues) evolve along similar paths across jurisdictions, based on federal or state requirements or the successes of pioneers.

The San Francisco Recreation and Park Department's (RPD) draft Significant Natural Resource Areas Management Plan (SNRAMP) is among the most comprehensive natural areas planning documents encountered in any jurisdiction during this research project. It inventories all natural areas and contains system-wide and site-specific recommendations, which provide valuable guidance for implementation. Other jurisdictions with prominent natural areas programs, such as Chicago and New York, are currently preparing overarching management plans modeled in part on San Francisco's effort.

San Francisco is developing annual work plans based on the recommendations of the SNRAMP, but does not have detailed, long-term, site-specific work plans. Such work plans would enable detailed budget forecasts. Without long-term work plans, it is challenging to estimate the cost of implementing the SNRAMP over its 20-year horizon with any accuracy. RPD's Natural Areas Program (NAP) has detailed site assessment information, provided by the consultant that helped to prepare the SNRAMP, which it could use to create long-term work plans and detailed cost estimates. The program has not, however, thoroughly processed this data, which would require a substantial effort.

Roughly estimated, the cost of implementing the SNRAMP over its 20-year horizon will likely be 20 years of fairly stable funding (currently approximately $1M per year), as well as additional expenditures

on capital projects (22 currently completed, in process, or planned). If the program is expanded to enable active management of all 1,100 acres, the annual budget would need to be increased to approximately $2.5M. Although the capital projects vary dramatically in nature, past projects have averaged approximately $260,000. The main capital activities include restoration, erosion control, trail creation, and tree removal. Large-scale tree removal will very likely elevate the cost of some future capital projects significantly above this average. One goal of the SNRAMP is to re-establish native community ecosystem function where it has been degraded. Ongoing maintenance requirements of successfully restored natural areas could be relatively low compared to developed parklands.

<h3 style="text-align:center">BACKGROUND</h3>

San Francisco Natural Areas Program

The Natural Areas Program (NAP) of the San Francisco Recreation and Park Department (RPD) is responsible for managing the City's natural areas, which are parklands that often contain relatively undisturbed remnants of San Francisco's original landscape or rare species. Local environmental nonprofit organizations originally encouraged the creation of the program, in part due to the presence in San Francisco of an unusual (in some cases unique), diverse assemblage of plants and animals. Policy 2.13 of the Open Space Element of the City's General Plan (as amended in 1991) noted the need to "Protect and Preserve Significant Natural Resource Areas." The Recreation and Parks Commission formally established the program in 1995.

The program's mission is twofold: to preserve, restore, and enhance natural areas, and to develop and support community-based site stewardship of these areas. The 31 natural areas occur mostly in the central and southern portions of the City, and include Sharp Park, which is located in Pacifica but owned by San Francisco. Natural areas range in size from less than one acre to almost 400 acres (Lake Merced), and together cover approximately 1,100 acres. (Appendix A contains a listing of the natural areas and their acreages.) The NAP currently has an annual budget of $1.07M and nine full-time staff, including one program manager, one volunteer coordinator, and seven gardeners. The program also engages a significant number of volunteers, who collectively contributed nearly 12,000 hours in FY 2005-06.

Significant Natural Resource Areas Management Plan

Policy 2.13 of the Open Space Element directed the City to identify significant natural resource areas using the following criteria:

- Relatively undisturbed remnants of San Francisco's original landscape that either support diverse and significant indigenous plant and wildlife habitats or contain rare geologic formations or riparian zones;
- Sites that contain rare, threatened, or endangered species or areas likely to support these species; and
- Areas that are adjacent to other protected natural resource areas.

It also encouraged the development of natural areas management plans, and a consistent set of system-wide management policies and practices, including policies governing access and recreational uses to ensure that natural resource values are not diminished by public use.

In 1995, RPD staff outlined a process for developing an overarching management plan through the Staff Report on the Significant Natural Resource Areas Management Plan (SNRAMP). In the report, RPD staff laid out plan objectives, guidelines for identifying significant areas, and guidelines for inventorying the areas. The report states that "An environmental consultant would be selected…to further refine the plan, inventory natural resources within selected park properties, and make the site-specific management program recommendations." The report also contained an initial prioritization of potential natural areas and proposed general management policies, which included items such as maintain/promote indigenous plant species, control/remove invasive species, and encourage community participation in a public stewardship program.

In 1998, RPD contracted with environmental consulting firm EIP Associates to prepare the SNRAMP. $430,000 was originally contracted for the work, which eventually grew to $645,000 as additional elements were added to the work scope. In 2002, a citizen task force draft was prepared, and a draft plan was made available for public review in 2005. EIP's contract with the City expired on September 1, 2005 and was not renewed. A final draft plan was completed by NAP staff and released in February 2006.

The draft SNRAMP is intended to guide management activities and site improvements for the next 20 years. It contains system-wide goals (Appendix B) and management recommendations, as well as site-specific conditions and recommendations. (Note that the recommendations attempt to appropriately balance the sometimes competing desires of various stakeholders and user groups.) Each of the 31 natural areas is treated in the same level of detail. It also defines and delineates management areas, which are site designations relating to sensitivity, species presence, and habitat complexity. The plan does not contain site-specific detailed work plans. Rather, it encourages the development of annual work plans that reflect site-specific objectives and resources, such as staffing, volunteer groups, grants, capital funds, or other resources, available for that year. Nor does the plan contain explicit discussion of program funding. EIP essentially prepared the plan from a technical perspective based on its sense of ecological needs, following industry standards. It purposely left implementation elements, such as work plans and budgets, to RPD, because implementation is dependent on annual capital and maintenance funding, the level of volunteerism, and other factors that would have been very difficult for EIP to predict while preparing the plan.

The final draft SNRAMP must undergo environmental review pursuant to the California Environmental Quality Act (CEQA) prior to its consideration for adoption by the Recreation and Parks Commission. The environmental review (either an Environmental Impact Report (EIR) or a Mitigated Negative Declaration) is anticipated to cost as much as $800,000 if an EIR is required.

The OLA conducted research in late 2002, on a separate but related project, and found that a number of cities, including Boston, Chicago, Denver, New York, Philadelphia, Seattle, and Tucson, had natural areas programs. Subsequent to that, in 2004, the city of Ann Arbor, MI undertook the most comprehensive survey of local natural areas programs to date. The purpose of the survey was to gather basic information about urban natural areas programs from around the U.S. and Canada that could be used as a foundation for networking and benchmarking. The Ann Arbor survey covered 54 of the most prominent programs at the time. Table 1, below, lists the largest cities among the 41 that responded to the survey.[1] The survey verified the OLA's earlier findings that many cities have created some form of natural areas program, although they are not ubiquitous.

Table 1. North American Cities with Natural Areas Programs			
City	Population	Year Est'd	Program Name
New York, NY	8,000,000	Unknown	Natural Resources Group
Chicago, IL	3,000,000	2001	Nature Areas
Toronto, Ontario	3,000,000	1998	High Park Woodland Restoration Program
Miami Dade, FL	2,253,362	1990	Natural Resources Management
San Diego, CA	2,000,000	1989	Park Ranger Program
Philadelphia, PA	1,500,000	1997	Natural Lands, Restoration and Environmental Ed. Program
Phoenix, AZ	1,472,930	2000	Natural Resources Division
Calgary, Alberta	900,000	2000	Natural Area Management Section
San Francisco, CA	750,000	1997	Natural Areas Program and Presidio Natural Resources
Toledo, OH	750,000	2000	Metropolitan Park District Land Management Division
Indianapolis, IN	700,000	1991	Land Stewardship
Albuquerque, NM	598,000	1984	Open Space Management
Washington, DC	572,000	1978	Natural Resource Management/Non-native Plants
Nashville, TN	570,000	2004	Natural Resource Program
Portland, OR	520,000	1988	Natural Areas Program
Boston, MA	500,000	2001	Urban Wilds Program

Source: City of Ann Arbor, MI, 2004

In addition to local programs, a number of states have natural areas programs. The Natural Areas Association conducted a survey in 2001, and found that 22 states have comprehensive natural areas programs. In addition, 18 have some more limited form of program.

Activities common to natural areas programs include removal of nonnative/invasive vegetation; planting native vegetation; thinning/removing nonnative trees; creating trails; and engaging in geomorphic projects such as erosion control. They might also include the installation of site amenities such as interpretative signs and benches. Note that these activities can generally be classified as either initial/one-time or ongoing.

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[1] Note that two of the respondents were still establishing their programs, and therefore could not provide pertinent data.

The request directed the OLA to research comparable natural areas plans that have been developed in other jurisdictions. The Ann Arbor survey compiled the most comprehensive data yet collected on local natural areas programs. Unfortunately, it did not collect any information on the programs' planning efforts. Based on OLA research, it appears that although a number of North American cities have natural areas programs, a small number have overarching natural areas management plans comparable to that being developed in San Francisco. (For the purposes of this report, an overarching management plan is defined as one that generally contains a system-wide inventory, system-wide management policies, and site-specific recommendations.) Indeed, in talking with contacts from other jurisdictions about plans, they often cited San Francisco as having among the most comprehensive in both breadth (covering all 31 natural areas and containing general management policies) and depth (dealing with all natural areas at the same level of detail and containing site-specific inventories and recommendations).

The small number of overarching plans is likely due to many factors. Many of the programs are relatively young (two-thirds of the programs that responded to the Ann Arbor survey were started in 1990 or later). As such, they are progressing through natural stages of program development, which usually include creating organizational infrastructure, beginning to inventory and designate natural areas, beginning to develop site-specific work plans; and undertaking modest maintenance and restoration projects. Many have not yet reached a point where an overarching management plan is appropriate or desirable.

In addition, the survey noted that many of the programs have very modest budgets, which cannot support the development of complex plans, particularly in the absence of prospects for significantly expanded future funding. Even if planning resources existed, it might not be sensible to develop ambitious plans that have little prospect of securing funding for implementation.

One other factor is that many of the existing natural areas programs are integrated with other park or open space programs. The Boulder, CO program, with the second greatest acreage under management (43,000) among those in the Ann Arbor survey, is one such program. In these cases, natural areas management issues are often addressed as part of broader open space or park management plans (e.g., Boulder Open Space Department Long Range Management Policies).

Even within jurisdictions that have distinct natural areas programs, management plans for prominent parks/natural areas (opposed to all parks/natural areas) or issue-specific plans (invasive plants or wetlands, for example) are more common than comprehensive, overarching plans. One example is the Midpeninsula Regional Open Space District Invasive Plant Management Plan. Strategic plans, such as that developed for Philadelphia's Fairmount Park and under development for Boston's Urban Wilds, are also somewhat common. These generally address a broad range of high-level strategic issues, including program governance, funding, and administration, and do not address resource management issues in detail.

Ultimately, in order to undertake restoration and maintenance, all that is needed is a site-specific work plan.[2] An overarching management plan that prioritizes work on different sites and establishes system-wide management policies might be desirable for a multi-site system, but it is not required to begin undertaking projects. Therefore, programs might have any number of planning documents to guide their activities, or none at all. New York City, notably, has restored over 2,000 acres of salt marsh, grassland, wetland, and forest without having an overarching management plan. The Boulder Open Space Department Long Range Management Policies illustrates the variety of complementary management documents that a single program might create: long range management policies; resource-specific (plant or animal) management plans; area-specific management plans; and project implementation plans.

Appendix C contains a description of the planning efforts of municipalities with prominent natural areas programs. The discussion illustrates the great variety in how prominent systems plan for and manage their natural areas programs. A number of programs identified through the Ann Arbor survey do not appear to have any significant high-level planning efforts in place. Given the variety, an apples-to-apples comparison of planning efforts across jurisdictions is difficult to make. Table 2, below, summarizes the existence of planning and management guidance documents prepared by the programs referred to above.

Table 2. Natural Areas Program Planning Documents

Jurisdiction	High Level Strategic Plan	Detailed Resource Inventory	General Mgmt Policies	Park-Specific Mgmt Policies	Park-Specific Detailed Work Plan	Fiscal Feasibility in Plan	Cost Estimate
Boston	In process	In process	In process	No	No	In process	No
Calgary	Yes	Yes	Yes	Yes	No	No	No
Chicago	Yes	Yes	Yes	No	No	No	No
Denver	Yes	In process	No	In process	In process	No	No
King County	No	No	Yes	Yes	Yes	No	No
New York	In process	No	No	No	No	No	No
Philadelphia	Yes	Yes	Yes	Yes	Yes	No	No
Portland	No	No	No	No	No	No	No
San Francisco	No	Yes	Yes	Yes	Yes*	No	No

[2] Note that the preeminent ecological restoration organization, the Society for Ecological Restoration, notes in its *Primer on Ecological Restoration* that according to its standards restoration project plans should include, at a minimum, the following components:

- A clear rationale as to why restoration is needed;
- An ecological description of the site designated for restoration;
- A statement of the goals and objectives of the restoration project;
- A designation and description of the reference;
- An explanation of how the proposed restoration will integrate with the landscape and its flows of organisms and materials;
- Explicit plans, schedules and budgets for site preparation, installation and post-installation activities, including a strategy for making prompt mid-course corrections;
- Well-developed and explicitly stated performance standards, with monitoring protocols by which the project can be evaluated; and
- Strategies for long-term protection and maintenance of the restored ecosystem.

NATURAL AREAS MANAGEMENT AND RESTORATION COST CASE STUDIES

The request directed the OLA to gather existing data that may assist in determining potential costs of San Francisco's management plan. Although a comprehensive set of detailed long-term work plans (which NAP lacks) are required to develop accurate cost estimates, it is still possible to develop a general sense of what costs might be incurred by examining the experience of other agencies. The OLA chose from among many case studies to include those that bore greatest resemblance to projects that will likely be pursued under San Francisco's management plan.

As background, there are generally three tiers of cost estimates in construction/restoration projects. The first (least specific) is a high-level estimate referred to as the "planning" level cost estimate. This is developed by the funding organization in the planning stages of a project to provide a general sense of what project implementation might cost. The next tier is the "construction" cost estimate, which is developed once many of the project details (total linear feet of new trail, approximate number of trees to be removed, etc.) are known. This cost estimate is refined as a more detailed, site-specific work plan is developed and as construction documents are created. Contractors bidding to undertake the work proposed provide final construction or "bid" cost estimates.

A few general observations regarding program costs bear mention. Generally, there can be significant economies of scale and scope in restoration. That said, many projects could be scaled to effectively make use of a wide range of budgets. Many jurisdictions focus efforts on their most prominent parks or most pressing ecological issues (invasive species, for example). The fact that many of San Francisco's natural areas are small and isolated will likely result in higher average cost for projects. On the other hand, the fact that they are fragmented also suggests that it would be possible to effectively make use of budgets of many sizes, because success at an individual site does not necessarily rely on success at other sites. And, small areas might be better able to attract the interest of neighborhoods, and therefore secure private resources and volunteers.

Note that although land acquisition is a major activity (and therefore a major cost) of many natural areas programs (Portland, for example), it is not an activity addressed in San Francisco's management plan. Rather, it is addressed on a department-wide basis in the Recreation and Park Acquisition Policy. Therefore, case study information regarding acquisition of natural areas by other programs is excluded from the discussion below.

Ann Arbor Survey Results
Various natural areas programs throughout North America

As discussed above, in 2004 the city of Ann Arbor surveyed 54 natural areas programs, including the most prominent local programs at the time. The survey captured a variety of information from respondents, including annual budgets, which ranged from $5.6M (Phoenix) to less than $50,000 (numerous programs). The annual budget per acre under management ranged from $4,500 (Chicago) to

less than $100 (numerous programs). The difference in spending suggests two things: 1) per acre management requirements vary widely and 2) program budgets are set based on available funding resources and competing spending priorities, not just ecological objectives.

Center for Natural Lands Management
Various Arizona, California, and Oregon locations

The Center for Natural Lands Management (CNLM) is a nonprofit organization that protects sensitive biological resources through professional, science-based stewardship of mitigation and conservation lands. On behalf of the U.S. Environmental Protection Agency, in 2004 CNLM completed 28 case studies of the cost of managing natural lands (owned by public agencies, private non-profits or private parties) in Arizona, California, and Oregon.

The study areas ranged in size from 13 acres to more than 100,000 acres. The variation between preserves was striking not only in the total management cost but also in the kinds of activities necessary to manage them. Annual management costs averaged $51 per acre (the median was $122) for all 28 projects. The range of annual cost per acre was $6 to more than $2,100. The study noted that economies of scale are dramatic.

Unlike the Ann Arbor survey, budget information in the CNLM study is accompanied by detailed site information. However, it is still difficult to relate the CNLM information to the SNRAMP. The habitat types in the CNLM study are dissimilar to those found in San Francisco's natural areas, and most of the lands under study are not in urban areas, and therefore have been less disturbed and experience different use patterns than those in San Francisco. Nonetheless, the variation in the CNLM budgets usefully illustrates the challenges of making general cost assumptions.

Ellwood-Devereux Coast Open Space and Habitat Management Plan
Santa Barbara, CA

In March 2004, the City of Goleta, County of Santa Barbara, and the University of California, Santa Barbara created the Ellwood-Devereux Coast Open Space and Habitat Management Plan. The plan addresses a 652-acre contiguous area along the coast that includes open space and natural reserves managed for public access and natural resource protection. The establishment of the Open Space Plan Area and associated public access and habitat improvements are dependent upon approval of certain development projects on other sites.

For planning purposes, the agencies estimated the costs of undertaking a number of improvement projects. Table 3, below, illustrates some of the costs, although they do not include engineering design, permitting, environmental review, construction management, or ongoing maintenance.

Table 3. Restoration and Enhancement Cost Estimates	
Activity	Cost/Acre
Riparian scrub restoration	$50,000
Vernal pool enhancement	$60,000
Native grassland restoration	$40,000
Dune scrub restoration	$40,000

Source: Ellwood-Devereux Coast Open Space and Habitat Management Plan, 2004

Golden Gate National Recreation Area/Golden Gate National Parks Conservancy
Various projects in San Francisco, CA

The Golden Gate National Parks Conservancy (GGNPC) is a nonprofit membership organization working in partnership with the National Park Service and Presidio Trust to preserve the Golden Gate National Parks. GGNPC has undertaken a number of high-profile restoration projects, including that of Crissy Field, a $34.5M effort that involved the creation of a 20-acre tidal marsh, a 29-acre open space grassy meadow, a 1.5-mile promenade and the Crissy Field Center.

GGNPC provided cost information for three projects that bear resemblance to those likely to be undertaken relative to the SNRAMP. These projects include Presidio Bluffs, Mori Point, and the Coastal Trail enhancement. Table 4, below, presents cost estimates for a number of restoration activities at Mori Point, a 105-acre park located on a bluff above the Pacific Ocean near the city of Pacifica.

Table 4. Cost Estimates for Mori Point Restoration Activities		
Activity	Cost/Acre	Notes
Invasive Plant Treatments		
Cape ivy	$9,000	Easy removal
Cape ivy	$14,600	Hard removal (cliffs, coastal scrub)
Cape ivy retreatment	$1,000	Herbicide X 3
Habitat Restoration - Plants and Installation		
Northern Coastal Scrub	$64,063	Plants and installation
Coastal Scrub, Serpentine bluff scrub	$52,434	Plants and installation
Dune	$63,122	Plants and installation
Riparian	$65,359	Plants and installation
Coastal Grassland	$12,106	Mix of plant and installation, and direct seeding
Unique floral assemblage	$11,253	Plants and installation
Native forest understory	$27,926	Plants and installation
Native forest overstory	$24,448	Plants and installation
Maintenance	$10,000	Per year X 5 years
Erosion Control		
Small jobs	$2,000	
Big jobs	$5,000-10,000	

Source: Golden Gate National Park Conservancy, 2007

The table below presents information from the Coastal Trail at Presidio Bluffs Resource Enhancement, Habitat Restoration and Non-designated Trail Management and Maintenance Strategy. It illustrates

planting costs for various habitat types common to the bluffs. The cost differences relative to Table 4 above are noteworthy. For example, relative to specific sites at Mori Point, northern coastal scrub plantings were estimated to cost $64,063 per acre, whereas they are estimated to cost $30,941 at sites at Presidio Bluffs.

Table 5. Planting Densities and Total Costs (Plants and Installation) by Habitat Type		
Habitat Type	Estimated Cost/Acre	Number of Plants/Acre
Northern Coastal Bluff Scrub	$30,941	5,846
Coastal Scrub/Serpentine Bluff Scrub	$29,264	5,863
Unique Floral Assemblage	$10,029	1,783
Coastal Prairie	$10,860	1,456
Arroyo Willow Riparian Forest	$15,396	3,035
Arroyo Willow Riparian Scrub	$14,677	2,915
Freshwater Seep/Freshwater Marsh	$18,994	5,445

Source: Golden Gate National Park Conservancy, 2007

Appendix D contains fairly detailed information regarding Coastal Trail Enhancement Projects.

University of California, San Francisco
San Francisco, CA

The University of California, San Francisco (UCSF) owns the Mount Sutro Open Space Management Reserve, approximately 61 acres of mostly undeveloped area on Mount Sutro, in San Francisco. As a result of community feedback received while updating the campus' Long Range Development Plan in 1997, the university created in 2001 a reserve management plan. The plan was prepared by an environmental design, planning and science firm, EDAW, Inc. Enhancing wildlife habitat values and protecting and expanding native plants are two of seven plan goals. One of the main features of the site is the presence of a large number of invasive eucalyptus trees, also an issue at NAP sites. Cost estimates are presented in the table below.

Table 6. Planning Level Cost Estimates from Mount Sutro Open Space Reserve Management Plan

Activity	Description	Cost/Unit	Unit
Hazardous tree removal (contract labor)	Chainsaw and chip trees, grind stumps, herbicides, remove vines	$3,000	per tree
Hazardous tree removal (contract labor)	Maintenance of hazardous tree removal areas	$120	per year per tree
Eucalyptus thinning (contract labor)	Protect healthy trees, clear others and invasives, grind stump, herbicides, signs	$25,000	per acre
Eucalyptus thinning (contract labor)	Maintenance of thinned eucalyptus areas	$2,500	per year per acre
Conversion planting and irrigation (contract labor)	Protect natives, clear most vegetation, plant, install drip irrigation, signs	$30,000	per acre
Conversion planting and irrigation (contract labor)	Maintenance	$2,500	per year per acre
Native plant enhancement	Remove invasives, restore natives	$30,000	per acre
Native plant enhancement	Maintenance	$2,500	per year per acre
Trail Construction	New trails	$12	per linear foot of trail
Contractor overhead and profit		25%	
Oversight		30%	
Contingency		15%	
Annual cost inflation		3%	

Source: Mount Sutro Open Space Reserve Management Plan, September 2001

The plan covers ten years, envisioned as the first phase of a multi-phase process of managing the reserve. The plan incorporates some management activities in small demonstration areas to determine their effectiveness and desirability before implementing them throughout the reserve. Therefore, the first phase is a pilot phase. The estimated annual management and maintenance costs are approximately $400,000 - $700,000 (and total estimated cost $5.7M). Future phases might seek to more fully implement some of the pilot measures.

In addition to the plan discussed above, UCSF recently submitted a grant application to the Federal Emergency Management Agency (FEMA) to undertake a number of activities in the reserve. The table below contains cost estimates related to these activities.

Table 7. Planning Level Cost Estimates from FEMA Restoration Project

Activity	Cost/Unit	Unit
Treatment of stumps and understory	$3,300	Per acre
Planting and staking native trees	$5,450	Per acre
Vegetation removal operations	$12,500	Per acre

Source: University of California, San Francisco, 2007
Note: Estimates do not include any design or survey work, only implementation

As noted above, the NAP currently has an annual budget of $1.07M and nine full-time staff, a small share of RPD's overall FY 2006-07 budget of $151M and over 1,100 full-time employees. NAP staff is primarily engaged in routine maintenance and small-scale restoration activities, as well as recruiting volunteers to do the same. In addition, the department has undertaken some capital projects on natural areas sites. Information presented below provides an overview of NAP expenditures. Note that natural areas have significant deferred maintenance relative to other RPD parklands that have been getting routine maintenance attention for many years. In this sense, NAP will experience some start up costs that are not necessarily reflective of ongoing costs.

Routine Maintenance and Small-Scale Restoration

Seven of the nine NAP staff members are gardeners. As such, NAP staff spends the bulk of its time on restoration and ongoing maintenance activities. Recent historical budget and staffing levels of NAP are illustrated below in Table 8. With the current budget, the program actively manages roughly 400 acres (all approximately 193 acres of MA1 areas and half of the approximately 430 acres of MA2 areas) of the 1,100 total acres within the NAP.

Table 8. Historic Staffing and Budget Levels of the Natural Areas Program		
Fiscal Year	Budget (Current $)	Staffing (FTE)
2000-01	$567,723	6
2001-02	$453,647	6
2002-03	$592,083	6
2003-04	$763,033	10
2004-05	$800,489	10
2005-06	$975,182	10
2006-07	$1,073,885	10

Source: Recreation and Park Department, 2007

Natural Areas Acquisition

Acquisition is not addressed in the SNRAMP. Rather, it is addressed on a department-wide basis in the Recreation and Park Acquisition Policy. There are no acquisitions planned for the NAP at this point.

Recreation and Parks Capital Projects

Subsequent to the passage of Proposition A (the Neighborhood Park Bond, a $110 Million General Obligation Bond) and Proposition C (a continuation of the Open Space Fund) in March 2000, RPD undertook its first comprehensive capital planning effort. As a result, RPD developed a Capital Improvement Plan (CIP), which identified 440 capital projects to be undertaken over ten years beginning in FY 2000-01. (Note that in 2006 the timeline for implementation of the CIP, and completion of associated projects, was modified from 10 years (2001 - 2010) to 20 years (2001 - 2020).) Projects were sorted as belonging to one of four types: Short-term capital improvements (must be complete within 3 years of full funding), Long-term capital improvements (must be complete within 5

years of full funding), Reforestation, and Natural area restoration. Projects were also prioritized as being Phase I, Phase II, or Phase III, and further prioritized within each phase. The total program budget, based on 1999 assessments, was projected to be $400M. Funding sources included the following: $110M (Neighborhood Park Bond); $120M (Open Space Funding); $100M (State and Federal Grants); $30M (Revenue Bonds); and $40M (Philanthropic Gifts).

The CIP is updated annually, during which projects are added and removed based on evolving resources, needs, and priorities.

Natural Areas Capital Projects

For the purposes of the RPD capital program, a natural areas capital project is defined as a project involving physical changes to the landscape (such as retaining walls, large scale plant and tree removal and re-vegetation, large scale erosion control, trail development or rehabilitation, etc.) that is valued at over $50,000. Such projects have a life cycle greater than 3 years, and the value of the asset property shall be enhanced through the improvement.

The CIP originally identified 31 natural areas capital projects. RPD updated its proposed natural areas capital projects in the 2005 CIP annual update (issued in March 2006) and the SNRAMP (issued in February 2006), removing the following that appeared in the original CIP.

Natural Areas Capital Projects from Original CIP Now Removed

Project Site/Name
15th Av. Steps
Brooks Park
Dorothy Erskine Mini Park
Golden Gate Heights Park
Hawk Hill Openspace
Kite Hill
Lakeview/Ashton Mini Park
Mountain Lake
Palou Phelps Open Space
Portola Park
Rock Outcropping @ 14 Ave. & Noriega
Tank Hill
Yerba Buena Island

The 2005 CIP annual update and SNRAMP listed the same projects except that the CIP listed two projects each for Parcel 4 (Balboa) and McLaren Park. Also, the CIP listed a capital project at Corona Heights (not included in SNRAMP, perhaps because it was already completed), and the SNRAMP listed a project in India Basin (not included in CIP). The 2006 CIP annual report, issued in March 2007, noted that there are 404 total capital projects planned, 23 of which are natural area capital projects (9 Phase I, 10 Phase II, and 4 Phase III). (Note however that this was an error – there are

actually just 22 total projects (8 Phase I), correctly listed in the update's appendix (Phased Implementation Plan).) (Appendix E illustrates the evolution of planned natural area capital projects.) Evolving record keeping practices, naming conventions, and the fact that projects can be added and removed from the list of planned capital projects makes comparing lists over time challenging.

Current List of Natural Areas Capital Projects

Phase I
Balboa Natural Area/Parcel 4 - Natural Areas and Signage
Corona Heights
Glen Park - Canyon - NA (Phase I)
India Basin Phase III (wetland restoration) - NA
Lake Merced (Phase I)
McLaren Park
McLaren Park - Yosemite Marsh Renovation
Pine Lake Park

Phase II
Bayview Park
Bernal Heights Park
Buena Vista Park Oak Woodland Rest.
Edgehill Mountain Improvements
Glen Park - Phase II
Grandview Park
Lake Merced - Phase II
Mt Davidson Park
Sharp Park
Twin Peaks

Phase III
Billy Goat Hill
Golden Gate Park - Oakwoodlands
Interior Greenbelt
McLaren Park - Phase II

Capital Project Expenditures

As noted above, NAP has Phase I capital projects at the following locations: Balboa Natural Area/Parcel 4; Corona Heights; Glen Canyon Park; India Basin; Lake Merced; McLaren Park; and Pine Lake Park. The information in Table 9 below, provided by RPD, briefly describes the projects. It is important to point out that natural areas capital projects are sometimes a part of larger capital efforts within parks. Therefore, identifying the natural area component of a larger capital project can be challenging. The capital projects undertaken have involved restoration, erosion control, trail creation,

tree removal, and other activities. The capital projects can involve relatively high public input, construction management, and other administrative costs compared to small-scale improvements.

While preparing this report, the OLA observed some lack in information sharing and coordination between the NAP and the capital program. The NAP program manager did not have access to complete information regarding capital projects in natural areas or financial information regarding the program. This created significant challenges for the OLA in acquiring information. It also raises questions regarding the programs' integration, coordination, alignment, and information management. As a result of challenges obtaining data, the information below contains some holes.

Table 9. Natural Areas Capital Project Expenditures			
Natural Area	**Project Description**	**Status**	**Estimated Budget**
Balboa Natural Area	Development of a dune habitat from a construction site. Included the importation of soil, planting, temporary fencing, installation of an elevated boardwalk and signs.	Complete	$305,000 (all natural areas related)
Corona Heights	Weed abatement; 500 linear feet of trail and stair construction; bench installation; retaining wall; and erosion control.	Complete	$16,000 (all natural areas related)
Glen Canyon	Trail plan; installation of 240 new stairs; 500 linear feet of new earthen trail; creek erosion assessment report; installation of erosion blankets and seeding (400 sq. ft.); straw wattles (300 sq. ft.); planting; 4 new drainage ditches; creek restoration; Cape Ivy removal; tree removal; Cape Ivy control throughout watershed (approximately 4 acres); and interpretive signs.	Complete	$1,538,500 ($447,689 for natural areas component)
India Basin Phase III	Wetland restoration including development of a dune habitat from a construction site. Included the importation of soil, planting, temporary fencing, installation of an elevated boardwalk and signs.	Complete	$159,200 (all natural areas related)
Lake Merced	Weed abatement in approximately 10 acres; tree removal; native habitat restoration at various locations; construction of 600 linear feet of trail; construction of overlook; and installation of benches and signage.	Construction	$481,777 (Construction budget of $120,000 for natural areas work, $150,000 for trail, and $110,000 for overlook)
Lake Merced - Mesa	Project restored approximately four acres of dune scrub.	Complete	$30,000 (all natural areas related)
McLaren Park - Yosemite Marsh	Erosion control; bank stabilization; marsh dredging; benches; trail improvements; picnic tables; and planting.	Design	$306,000 (mostly natural areas related, with the exception of the relatively minor paving, picnic tables, and benches)
Pine Lake	A six-phase $36,000,000 master plan for Stern Grove and Pine Lake Park included renovation of Pine Lake and the adjacent meadow and the recently completed renovation of Stern Grove Concert Meadow. Natural area activities include removal of invasive plants within Pine Lake, re-vegetation of the lake bank, and minor erosion control.	Construction (to be completed by December 2007)	$5,104,000 (natural area component is 13.3%, $680,000)

Source: Recreation and Park Department, 2007

A few points raised above in the discussion of case studies bear repeating here as they inform estimation of the cost of implementing the SNRAMP. A comprehensive set of detailed long-term work plans (which NAP lacks) are required to develop accurate cost estimates. In lieu of these, less accurate estimates of habitat restoration costs could be created using information on how many acres of a given habitat need to be restored from condition A to condition B, or how many acres are in need of intensive restoration vs. management and monitoring. This could be ascertained from the extensive inventorying and assessment conducted by RPD and its contractor while producing the SNRAMP.[3] However, the contract was not renewed, and RPD has not yet processed the information into a form that can be used for this purpose, and therefore does not know how many acres (by habitat type) are in need of intensive restoration. Information on the topography of the site, which is not in the SNRAMP, is also a determinant of project cost.

Without long-term work plans or other fine-grain information, it is difficult to estimate total costs. Indeed, in preparing the SNRAMP, RPD solicited the comments of the public, most recently on its Public Draft (June 2005). Regarding cost, in the Response to Comments, Master Responses by Theme, the department stated, "Due to the complexity of the Final Draft, it is not feasible to conduct a detailed cost analysis of the Final Draft."[4]

However, it is still possible to get a general sense of what costs might be incurred by examining the experience of other agencies and the past experience of NAP. One caution on the experience of other jurisdictions is that San Francisco's high density, urban character results in relatively high pressure on natural areas. Also, the cost of doing business, and construction costs specifically, are higher in San Francisco that many other locations.

The plan notes that adaptive management will be applied, which means adapting techniques midstream by incorporating lessons learned from past successes and failures. The use of adaptive management acknowledges uncertainty about implementation, which implies uncertainty about costs. However, it also implies that average costs might decrease over time, as better methods are developed, which is quite likely given that restoration ecology is a relatively young field of study.

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[3] The plan contains the acreage of each management area classification within each natural area. As well, the plan contains an inventory of the acreage of each vegetative type (i.e., annual grassland, perennial grassland, wetland, coastal scrub, etc.) within each natural area, and measures of species richness, percentage native cover, and frequency of native plants within each natural area. Combining these various sets of data to determine the condition and restoration needs of sites by management area and vegetative type would greatly help estimation of project costs.

[4] Note that the City's Fiscal Feasibility Ordinance (San Francisco Administrative Code Chapter 29) subjects certain City projects to a fiscal feasibility review at the Board of Supervisors before the City Planning Department begins California Environmental Quality Act (CEQA) review. The ordinance covers projects for which the implementation and construction cost exceeds $25M and the project sponsor estimates that a portion of the predevelopment, planning, or construction costs in excess of $1M will be paid from public monies (excluding the costs of City personnel). The Office of the City Attorney advises that the SNRAMP does not fall under the ordinance as the plan does not itself propose any specific projects, nor commit the City to any projects.

The San Francisco plan incorporates the Bradley Method of restoration, which is composed of three principles that guide cost-effective and efficacious restoration projects: (1) work from areas with native plants toward weed-infested areas; (2) create minimal disturbance; and (3) allow native plant regeneration to dictate the rate of weed removal. Use of the Bradley Method implicitly embeds costs considerations into project prioritization and ensures cost effectiveness to some degree.

One goals of the SNRAMP is to re-establish native community ecosystem function where it has been degraded. Ongoing maintenance requirements of successfully re-established communities could be relatively low compared to developed parklands. The department is responsible for approximately 5,400 acres of land spread over 230 sites.[5] The 2006-07 Annual Salary Ordinance authorized 298.5 FTE gardeners department wide. Although approximately 27% of the system's parkland falls under NAP, its gardening staff comprises just 2% of the system's total gardening staff.[6] The NAP estimates that it actively manages roughly 400 acres (all approximately 193 acres of MA1 areas and half of the approximately 430 acres of MA2 areas) with its current staff and volunteers.

New capital projects involving restoration, particularly those that will require intensive follow-up maintenance prior to achieving stability or self-sufficiency, will increase the routine maintenance burden. To what degree NAP should create new maintenance burden, given the challenges it already faces simply keeping up with the existing ecologically healthy sites, is a significant policy question that should be addressed, particularly given the SNRAMP's commitment to the Bradley Method.[7]

Work undertaken pursuant to the management plan can be scaled. The plan establishes a set of policies, but does not itself authorize or require any particular projects. Therefore, staff implementing the plan has enormous latitude in determining what activities to undertake. As such, implementation activities could be scaled to a wide range of budgets.

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[5] 5,400 acres includes the Furhman Bequest Property, 1,432 acres in Kern County that is currently leased for paintball games and ranching, and 329 acres at Camp Mather, which is used seasonally.
[6] Natural areas comprise approximately 1,100 of 4,000 total parkland acres (excluding the approximately 1,400 acre Furhman Bequest Property).
[7] The Coastal Trail at Presidio Bluffs, Resource Enhancement, Habitat Restoration and Non-designated Trail Management and Maintenance Strategy identifies the following likely ongoing maintenance requirements.

In most cases, volunteer stewardship actions will need to continue for a minimum of 5-10 years following the initial restoration activities. A general rule of thumb is:

• 5 years maintenance for plantings of grasses, forbs, and shrubs (monitoring plant die-off, replacing plants, maintaining planting sites) in areas where weed infestation pressures are limited;
• 5-10 years maintenance for riparian plantings and native forest conversion plantings (monitoring plant die-off, replacing plants, maintaining planting sites;
• 3-5 years monitoring and maintenance for small infestations of invasive nonnative plants and for invasive plants that are known to respond well to control treatment (e.g., most small trees and shrubs, fennel, poison hemlock, iceplant, mattress wire weed);
• 5-10 years, or possibly longer for large invasive nonnative plant infestations, that reproduce prolifically, have a long-lived seed bank, are early colonizers, and for invasive plants that do not respond well to control treatments (e.g., Himalayan blackberry, perennial grasses, Cape ivy, English and Algerian ivy, cotoneaster, French broom).

Note that the following discussion of costs related to the SNRAMP's implementation does not address some classes of costs, such as attaining the management plan's education and research goals.

Routine Maintenance and Small-Scale Restoration

The NAP is currently implementing the SNRAMP through annual site-specific work plans. Although long-term work plans that address all of the SNRAMP's recommendations would provide a better means of estimating future costs, in the absence of such, the best indicator of future routine restoration and maintenance costs is the program's current budget. The NAP already has a significant budget (approximately $1M per year) and workforce (including volunteers), and therefore can accomplish a number of projects with current resources. Therefore, it is reasonable to estimate a routine maintenance and restoration cost of $20M (nominal dollars) over the 20-year life of the SNRAMP. Recall that one lesson of the Ann Arbor survey is that programs are often funded based on available resources and prioritization among competing needs (not ecological considerations alone), which are often stable over time. The current budget only allows active management of approximately 36% of NAP's total acreage (400 of 1,100 acres). Program staff estimates that it would require approximately $2.5M annually to actively manage all 1,100 acres. If the budget were immediately expanded as such, the 20-year cost for routine maintenance and restoration would be $50M (nominal dollars).

Although restoration projects can be very labor intensive, NAP is well positioned to maintain relatively low costs while accomplishing significant work by continuing to engage substantial volunteer effort, a practice common to many natural areas programs throughout the country. However, given the scale of restoration desirable within NAP and competition for volunteer resources by other environmental efforts in the city, it is unclear to what degree the volunteer contribution can be increased. According to NAP, to date more volunteers have wanted to work in habitat restoration than NAP has been able to accommodate due to full-time staff oversight constraints. Note that the activities of volunteers are limited by RPD policies to work that does not involve the use of power tools, application of herbicides, or the removal of trees.

Capital Projects

Of the 22 natural areas capital projects cited in the most recent department-wide listing (the 2006 CIP annual report, issued in March 2007), NAP has implemented or forecasted the budgets of eight. All 22 have been judged to cost at least $50,000, as that is one criterion of inclusion on the capital project list.

The natural areas-related costs of the eight projects that are underway or have been completed total $2.06M, averaging approximately $260,000 each. Therefore, the 22 projects together could be estimated to cost $5.68M. For context, the RPD average for all capital projects stood at approximately $900,000 per the original CIP ($400M (1999 dollars) for 440 projects). A cost estimate floor could of course be established by assuming that all of the 14 remaining projects will cost at least $50,000 ($700,000), totaling $2.76M when including the completed and in process projects. Because the remaining capital projects have not yet been fully specified, it is unclear to what degree past projects will be similar to future projects. Given the different character of the projects (e.g., the significant number of trees to be removed at Sharp Park), these estimates must be recognized as very general.

Erosion Control Projects

A number of NAP's capital projects involve erosion control work, the budgets for which can vary dramatically. Currently, erosion control work is performed either on a small-scale basis by existing staff and volunteers or through the capital program for larger projects. As such, the estimated future cost of erosion control projects is already accounted for to some degree in the estimated future routine and capital costs above. It is known that NAP will have to undertake at least one significant erosion project, at Bayview Hill. Depending on the solution chosen, consultants Treadwell & Rolo, Inc. estimate that it could cost as much as $1M. RPD will likely need to undertake some erosion control projects within natural areas to address neighbors' or environmental concerns (stormwater pollution, safety, etc.) whether or not the SNRAMP is adopted.

Trees

The management plan recommends the removal of a number of nonnative trees from 15 natural area sites. The inventory revealed 64,000 invasive trees, 3,400 (5%) of which the SNRAMP proposes to remove. Sharp Park contains an additional 54,000 invasive trees, of which the SNRAMP proposes to remove 28%, or approximately 15,000. Therefore, approximately 18,400 trees are planned for removal.

Some tree removal activity will be undertaken through ongoing maintenance and the capital projects discussed above. (Existing gardening staff is permitted by RPD policy to remove trees up to 6 inches in diameter at breast height.) Therefore, the estimated future cost of tree removal projects is already accounted for to some degree in the estimated future routine and capital costs above.

Cost estimates from the Mount Sutro plan indicate that tree removal can cost up to $3,000 per hazardous tree, or as little as $25,000 per acre for thinning of small trees. Other cost estimates, from GGNPC's Coastal Trail, include $8,000 per acre for small tree removal and $500 per tree for cutting scattered mature trees that would be left onsite. It is difficult to extrapolate Mount Sutro, Coastal Trail, or other estimates given differences in the type and size of trees and topography. It is also difficult to generalize about trees in the NAP given heterogeneity. As noted in the SNRAMP, a survey estimated that one area of McLaren Park had 62 trees per acre, mostly over 18 inches in diameter at breast height, whereas one area of Glen Canyon had over 1,400 trees per acre, most less than 6 inches in diameter at breast height.

For the sake of illustration, a range can be created. Assuming that each of the 18,400 trees is mature and must be removed at a cost of $3,000, total tree removal would cost $55.2M. Assuming rather that each of the trees must be removed at a cost of $500, total removal would cost $9.2M. Small trees that can be addressed by thinning and left onsite would be significantly less expensive to remove. Assuming that each of the trees is small and could be removed by thinning, the cost could be as low as $100 per tree of less. (The Mount Sutro plan estimates 740 trees per acre, including very small trees. Assuming 33% removal for thinning, $25,000/acre * 1 acre/244 trees = approximately $100 per tree.) Similar to

some erosion control projects, described above, RPD will likely need to remove some hazardous trees from natural areas for safety reasons whether or not the SNRAMP is adopted.

Trails

Recommendations of the SNRAMP largely focus on improving existing trails rather than developing new ones, and call for closure or relocation of social trails that appear particularly redundant or destructive. The SNRAMP inventoried 40 miles of existing trails in the natural areas. Trails to remain were categorized into three groups: improved, unimproved, and proposed new trails, as detailed below in Table 10.

Table 10. Trails Addressed in the SNRAMP	
Existing trails to retain	
- Improved/maintained'	17.5 miles
- Unimproved'	12.5 miles
Social trails to close/reroute	10.3 miles
Total Trails within Natural Areas	40.3 miles
New trails to be developed/maintained	1.1 miles

Source: Recreation and Park Department, 2007

Like other projects in the natural areas, trail projects can vary greatly in cost, depending on the type of trail and the terrain it traverses. As noted above regarding the NAP's capital project at Lake Merced, the program expended $150,000 to construct 600 linear feet (0.11 miles) of new concrete trail (to maximize access, not a typical trail), $250 per linear foot. The Mount Sutro plan estimated just $12 per linear foot for new trail construction. Therefore, creating 1.1 miles of new trail per the SNRAMP could be estimated to range in cost from approximately $70,000 to $1.45M. No estimate of the cost of maintaining existing trails or closing social trails was available for incorporation.

Proposition C - Park Standards

A November 2003 ballot measure (Proposition C) created the City Services Auditor (CSA) within the Controller's Office. In part, Proposition C directed the CSA to work with departments to develop standards by which to evaluate City parks and streets. Although CSA and RPD have developed standards for most parklands, standards for natural areas have not been established. In its July 7, 2006 annual report on parks and streets maintenance, CSA noted that RPD "needs to follow through on a prior commitment to develop standards for parkland managed under the Natural Areas Program." Once standards are developed, staff and volunteers might need to be reallocated from traditional NAP activities to focus specifically on addressing the standards. If so, the effort directed towards other routine maintenance and restoration would be diminished.

Natural areas programs are growing in popularity as jurisdictions recognize the value of remnant historic ecosystems and undeveloped parkland. San Francisco's draft SNRAMP is among the most comprehensive natural areas planning documents encountered in any jurisdiction during this research project.

NAP is developing annual work plans, but does not yet have detailed, long-term, site-specific work plans, which would enable detailed budget forecasts. In lieu of detailed forecasts, the cost of implementing the SNRAMP can be estimated based on the past experience of the NAP and other natural areas programs.

The cost of implementing the SNRAMP over its 20-year horizon will likely be 20 years of fairly stable funding (currently approximately $1M per year) and the completion of the majority of the planned capital projects (22 currently completed, in process, or planned). If the program is expanded to enable active management of all 1,100 acres, the annual budget would need to be increased to approximately $2.5M, resulting in considerably higher total costs over 20 years. Past capital project costs have averaged approximately $260,000, and have included major restoration, erosion control, trail creation, and tree removal. Large-scale tree removal will very likely elevate the cost of some future capital projects significantly above this average.

One goal of the SNRAMP is to re-establish native community ecosystem function where it has been degraded. Ongoing maintenance requirements of successfully restored natural areas could be relatively low compared to developed parklands. Also, the San Francisco plan incorporates the Bradley Method of restoration, which is composed of three principles that guide cost-effective and efficacious restoration projects, thereby embedding cost-effectiveness considerations to some degree.

NAP's current budget of $1.07M and nine full-time staff are a relatively small part of RPD's FY 2006-07 budget of $151M and over 1,100 full-time employees. Although approximately 27% of the system's parkland falls under NAP, its gardening staff comprises just 2% of the system's total gardening staff. At approximately $1,000 per acre per year, its budget is also considerably below spending by other some natural areas programs, including Chicago's $4,500 per acre and Pittsburgh's $1,765 per acre (as reported in the Ann Arbor survey).

While preparing this report, the OLA observed some lack in information sharing and coordination between the NAP and the RPD capital program. The NAP program manager did not have access to complete information regarding capital projects in natural areas. This created significant challenges for the OLA in acquiring information. It also raises questions regarding the programs' alignment, coordination, and information management.

Appendix A - Acreage of Significant Natural Areas and Total Park Acreages

Significant Natural Area	MA-1	MA-2	MA-3	Total Natural Areas Acreage	Total Park Acreage
15th Avenue Steps	0.0	0.2	0.0	0.2	0.3
Balboa Natural Area	1.1	0.7	0.0	1.8	1.8
Bayview Park	8.2	15.8	19.7	43.7	43.9
Bernal Hill	7.6	5.8	10.7	23.3	24.3
Billy Goat Hill	0.6	1.1	1.6	3.4	3.5
Brooks Park	0.8	0.9	0.3	2.0	3.5
Buena Vista Park	0.0	6.1	0.0	6.1	36.1
Corona Heights	2.9	2.5	4.2	9.6	12.6
Dorothy Erskine Park	0.2	0.3	1.0	1.5	1.5
Duncan/Castro	0.3	0.1	0.1	0.5	0.5
Edgehill Mountain	0.0	0.9	1.4	2.3	2.3
Fairmount Park	0.0	0.0	0.7	0.7	0.7
Glen Canyon Park	7.4	30.1	22.4	59.9	68.8
Golden Gate Heights	0.2	0.5	0.1	0.8	6.0
Golden Gate Park (Oak woodland, Strawberry Hill, and Whiskey Hill)	0.7	25.5	0.0	26.2	1021.0
Grandview Park	0.9	2.4	0.7	4.0	4.0
Hawk Hill	1.4	3.0	0.0	4.4	4.5
India Basin Shoreline Park	3.2	2.8	0.0	6.0	11.8
Interior Green Belt	0.0	1.8	14.7	16.5	19.4
Kite Hill	0.4	0.5	1.6	2.5	2.5
Lake Merced	60.8	101.8	231.5	394.1	614.0
Lakeview/Ashton Mini Park	0.1	0.2	0.2	0.5	0.5
McLaren Park	34.9	68.3	61.4	164.6	312.6
Mt. Davidson	8.8	11.0	20.1	39.9	40.2
O'Shaughnessy Hollow	0.7	2.9	0.0	3.6	3.8
Palou/Phelps	0.8	0.4	0.8	2.0	2.5
Pine Lake	1.0	3.8	3.6	8.4	30.3
Rock Outcrop	0.8	0.7	0.0	1.6	1.6
Sharp Park	35.0	125.1	76.5	236.6	411.0
Tank Hill	1.5	0.6	0.7	2.8	2.9
Twin Peaks	12.6	14.3	3.8	30.7	34.1
Total	**192.8**	**430.2**	**478.0**	**1080.4**	**2,722.5**

Appendix B - San Francisco Natural Areas Program Goals
(From the Significant Natural Resource Areas Management Plan, Final Draft, February 2006)

2.1 GOALS

The goals and objectives for the Natural Areas were defined by the 1995 Significant Natural Resource Areas Management Plan (SNRAMP). These goals, described in Section 1, have been further refined and incorporated into the overall aims of this document. The goals of this Management Plan are listed below.

CONSERVATION AND RESTORATION GOALS

- To identify existing natural resources.
- To maintain viable populations of all special-status species.
- To maintain and enhance native plant and animal communities.
- To maintain and enhance local biodiversity.
- To re-establish native community diversity, structure, and ecosystem function where degraded.
- To improve natural area connectivity.
- To decrease the extent of invasive exotic species cover.

EDUCATION GOALS

- To provide services that will enable all age groups to better understand the values of the Natural Areas, including ecosystem functions and socioeconomic values.
- To provide opportunities for service learning to students in the San Francisco Unified School District.
- To provide diverse outdoor classroom opportunities.

RESEARCH GOALS

- To provide a research framework and research opportunities to schools and universities that will lead to an enhanced understanding of the natural systems and an informed adaptive management approach.
- To contribute to the scientific understanding of local natural systems.
- To contribute to the field of restoration ecology and other applied sciences.

STEWARDSHIP GOALS

- To develop and support opportunities for public stewardship of Natural Areas.
- To foster neighborhood stewardship and volunteer groups.
- To provide diverse opportunities for participation by stewardship groups.

RECREATION GOALS

- To provide opportunities for passive recreational uses (e.g., hiking, nature observation) compatible with conservation and restoration goals.
- To improve and develop a recreational trail system that provides the greatest amount of accessibility while still protecting natural resources.

MONITORING GOALS

To establish a long-term monitoring program to:

- Identify the species on which monitoring should focus.
- Detect increases and declines in abundance, distribution, or health of special-status species.
- Detect significant changes in acreage of native communities, wildlife habitats, and invasive species.
- Detect significant increases and declines in native species richness.
- Assess success of restoration activities in achieving conservation and restoration goals.
- Provide an adaptive management framework for evaluating changes (e.g., conceptual model).

DESIGN AND AESTHETIC GOALS

- Where possible, to develop aesthetically pleasing landscapes that are consistent with surrounding landscapes and that create natural transitions, especially where adjacent parklands and traditionally landscaped areas abut natural areas.
- To maintain and develop viewpoints and viewsheds to enhance park experiences.
- Where possible, to design and maintain landscapes to discourage the accumulation of trash and illegal encampments.

SAFETY AND GOALS

- To design and maintain landscapes that promote public safety.

Appendix C - Planning Efforts of Municipalities with Prominent Natural Areas Programs

<u>City of Boston, Urban Wilds Initiative</u>

The Urban Wilds Initiative (UWI) is a program run through the Boston Parks and Recreation Department that manages the 40 city-owned natural areas, containing over 250 acres. The city is currently developing an Urban Wilds and Natural Areas Management Plan, which will be a comprehensive master plan for natural area site management, program development, and administration. The draft plan, which is now in the final stages of preparation, is already serving as an interim guide to activities. Note that prior to the forthcoming plan, the city prioritized restoration projects that involved reclaiming brownfields, in part because it was under obligation to the state to address these sites, and because other resources were available to brownfield projects that could be leveraged for natural area restoration.

The plan will contain: detailed site descriptions and assessments; prioritization guidance on maintenance and management activities; a strategy for further resource development, increased site protection, and enhanced levels of stewardship; and general recommendations for overall natural areas management. For example, the draft section on Maintenance and Management of Urban Wilds states that each city-owned urban wild should receive, at a minimum:

-       Basic litter pick-up, four times per year;
-       Overall site clean-up, once per year;
-       Tree/shrub inspection and pruning, once per year;
-       Fence inspection and repair, once per year;
-       Mowing, as needed on a site-by-site basis, but at least once per year;
-       Trail/path inspection and maintenance, once per year;
-       Graffiti removal, twice per year;
-       Sign inspection and repair, once per year; and
-       Invasive plant removal and replanting with native species, on-going.

The plan will not contain detailed implementation/work plans for each of the natural areas. Rather, the plan calls for, subsequent to its adoption, the city to develop a Natural Areas Inspection Program and to develop management plans for the largest and most significant urban wilds. Of course, the city has already developed specific work plans for some of its areas.

The plan will address the issue of fiscal feasibility and resources in the section on Implementation Strategy. Restoration projects will be implemented based on their cost effectiveness; potential to provide habitat to native plants and animals; and ability to perform other ecological services. However, the plan will not contain cost estimates.

Note that the city has enjoyed a long-term partnership with EarthWorks, a local nonprofit organization that raises funds and organizes volunteers for restoration efforts in the natural areas. In 2003, EarthWorks began a five-year project to revisit its restoration project sites to assess the success of efforts.

A related effort, in 2002, the City of Boston developed a citywide Open Space Plan. The mayor has asked the Boston Parks and Recreation Department to update the citywide Open Space Plan for 2007 to 2011. Note that this will include a discussion of urban wilds.

City of Calgary, Natural Environment Parks

Calgary's Natural Environment Parks (NEP) are managed for both habitat protection and passive recreation. There are nearly 300 NEPs, which total over 9,500 acres of land. Calgary's NEPs are classified into three groups: Special Protection Natural Areas; Major Natural Environment Parks; and Other Parks ~ with Natural Environments. Special Protection Natural Areas are areas of the highest ecological significance, and have the strictest controls on active recreation. Major Natural Environment Parks are generally natural, but do not have the habitat quality or significance of a Special Protection Natural Area. Other Parks ~ with Natural Environments include large regional parks that contain significant amounts of natural environment within them, as well as developed recreational areas.

Calgary developed a Natural Areas Management Plan in 1994, one of the first of its kind. The plan established overall policy direction for protection, management, and acquisition, and provided guidelines under which NEPs are to be managed. The plan addressed restoration issues common to natural areas, including planting native vegetation, erosion control, weed control, animal control, wildlife encounters, encroachments, and vandalism.

As part of the development of the plan, a three-year natural environment inventory and assessment was conducted. Parks were classified into three categories, as described above. In addition, the plan also recommended a system of zones within parks, designating areas as either a Preservation Zone or an Active Recreation Zone. Three sets of system-wide management guidelines were articulated in the plan: guidelines that apply to all NEPs; guidelines that address specific issues (e.g., dog use, grazing, snags and deadfall, etc.); and guidelines that relate to specific habitat types. Note that the plan does not contain park-specific implementation plans. Rather, the plan recognizes the need for separate park specific master plans and management plans. The plan does not contain either planning level or park-specific cost estimates.

The city has more recently created an Open Space Plan, which addresses all parks and requires the preparation of park-specific Natural Area Management Plans, of which a number have been prepared. The management plans generally incorporate a biophysical inventory and resource analysis, policy statements and management guidelines for specific issues (e.g. off-leash dog walking, mountain biking, invasive species) and usually include a design-development plan (and capital cost estimate) for any proposed amenities, trail construction or restoration. A Wetland Conservation Plan, developed after the Open Space Plan, focussed on wetland protection and mitigation in development, and set some general direction regarding protection and management of wetlands that occur in the natural area park system.

City of Chicago Park District, Nature Areas

The Chicago Park District is currently drafting an overarching management plan for their 49 natural areas, which it hopes to complete by the end of 2007. The plan will be the culmination of a number of earlier efforts.

In 1999 the Chicago Region Biodiversity Council published the Chicago Wilderness Biodiversity Plan. One of the key recommendations of the document was that local municipalities develop policies to maintain biodiversity. As a result of that recommendation, in 2004 the Chicago Department of Planning and Development identified, through the "Chicago Habitat Inventory", 3,800 acres of natural prairies, savannas, dunes, woodlands, and wetlands within the city limits, and 920 additional acres suitable for habitat restoration. Note that Chicago's natural areas are part of a region-wide network including Cook County and other surrounding counties, collectively referred to as "Chicago Wilderness."

As the next step, in 2006 the Chicago Plan Commission, the Chicago Park District, and the Cook County Forest Preserve District adopted the Chicago Nature and Wildlife Plan. The plan is very high level and quite broad, and contains four goals: protect natural habitat; manage existing open spaces; monitor sites and compile research; and educate the public. The plan contains objectives associated with each of the goals. For example, one short-term objective is that existing management plans for habitat sites are implemented while priorities, goals and plans for other habitat locations are developed. However, the plan itself does not contain general natural area management policies, site-specific work plans, or any discussion of budgetary matters. The forthcoming management plan is the result of one of the Chicago Nature and Wildlife Plan recommendations and will contain all of the following elements: detailed resource inventory/assessment; general management policies; park-specific management policies; park-specific detailed work plans; and discussion of fiscal feasibility and implementation cost estimate.

City of Denver, Natural Areas Program

The Denver Department of Parks and Recreation oversees the Natural Areas Program, which contains approximately 4,000 acres of undeveloped land. The program's goals are to protect and restore natural ecosystems that still exist or to create and nurture natural ecological processes in open space areas with the potential of becoming naturalized landscapes.

In 1999, the program developed a high-level strategic plan. The plan established a number of goals and strategies addressing planning and designation; protection, restoration, and management; noxious and problem weed management; wildlife protection and management; and education and outreach. The plan also identified a process for implementing the program, including inventorying, developing site-specific work plans, monitoring and evaluation. Developing the plan itself did not involve undertaking these activities.

Note that in 2002 OLA staff, for a separate project, interviewed program staff from Denver and found that they were evaluating a draft natural area management plan. However, the city has not yet prepared a plan. The program has developed a noxious weed management plan as well as management plans for

natural areas that have been officially designated (approximately 65 acres to date). All undeveloped space, including large rights-of-way, have recently been inventoried and mapped.

King County Natural Resource Lands Program

The King County Department of Natural Resources and Parks manages more than 25,000 acres of active (Parks) and passive (Natural Resource Lands) recreation areas. King County contains Seattle, although the 25,000 acres of County lands are primarily in unincorporated areas outside of cities. More than 8,000 acres are part of the Natural Resource Lands program, which includes both "natural areas" (also called "ecological lands") and "working resource lands." The Natural Resource Lands program also holds approximately 95,300 acres of conservation easements and working forest development rights. Natural areas are managed to protect valuable ecological systems, whereas working resource lands are farms and forests that are managed for the production of food and wood products.

Overarching policy guidance for management of Natural Resource Lands is contained in a number of related documents: the King County Ecological Lands Handbook; the Programmatic Plan for Management of King County-owned Ecological Lands; and the Programmatic Plan for Management of King County-owned Working Forest Properties.

In 2004, the county updated the King County Open Space System plan, which contains policies for Parks and Natural Resource Lands. It addresses numerous high-level issues, such as standards; planning, acquisition and development; stewardship and maintenance; public outreach; and funding. Specifically regarding natural areas, the plan contains the following findings:

- Individual Site Management Plans will be developed for each natural site.
- Site Management Plans (typically called "Site Management Guidelines") for natural areas and working resource lands will be guided by the King County Ecological Handbook for Natural Areas and the Programmatic Plans for Forestry and Agriculture for forests and farms.

Site management guidelines have been developed for most Natural Resource Lands sites. Annual site maintenance plans are written for each site to guide site maintenance actions and to implement recommendations from site management guidelines.

The King County Open Space System plan notes that general fund support steadily decreased over several years until reaching a near crisis situation in 2003. To address the general fund decrease, a four-year local levy was passed in 2003; another multi-year levy will be on the ballot in 2007. Annual funds generated from the 2003 levy began at $11.5 million in 2004 and are expected to increase to approximately $12.2 million in 2007. These levy funds will comprise roughly 56% of the total annual budget needed to operate and maintain the entire open space system (funding is primarily directed toward active parks; only a small percentage of the budget funds Natural Resource Lands management). The levy funding is not used for acquisition.

City of New York, Forever Wild Program

The Forever Wild Program is an initiative of the New York City Department of Parks and Recreation to protect and preserve the city's most ecologically valuable lands. The 48 Forever Wild Preserves include over 8,700 acres of forests, wetlands, and meadows. The program is in the process of developing a management plan that it expects to complete in October 2007. The plan will contain overarching policies relevant to all preserves and a discussion of known species of greatest conservation need found in the preserves. It will not contain a detailed inventory, nor site-specific plans or cost estimates. The department has a long history of natural area management and restoration programs, and has restored more than 2,000 acres of salt marsh, grassland, freshwater wetland, and forest.

City of Philadelphia, Fairmount Park Environment, Stewardship and Education Division

The Fairmount Park Commission (FPC) manages the Fairmount Park system, which is comprised of 63 regional and neighborhood parks throughout Philadelphia, PA totaling 9,200 acres. The Environment, Stewardship and Education Division undertakes environmental restoration activities throughout the park system, primarily on the 5,600 acres of natural lands in the system's seven largest watershed and estuary parks. From 2000 through 2006, the city completed a number of contracted restoration projects at over 300 sites (316 acres total). These projects have included planting trees, shrubs and herbs (92,000 plants); stream channel restoration (6 sites, 1040 feet); erosion repair; meadow creation (45 acres); and invasive plant control (124 acres).

In 2001, Fairmount Park completed an inventory and assessment that resulted in the Natural Lands Restoration Master Plan. The plan contains recommended restoration activities for 452 high-priority sites in seven large parks. The park is currently implementing the recommendations through the use of park staff, contractors and volunteers. The series of projects is one of the largest programs of its kind in the United States.

The plan did not contain site-specific work plans, which require substantial additional detail. The agency has used consultants to prepare such plans, including expending $370,000 to develop restoration plans for two prominent parks. (Note that the design fee for a restoration project will typically comprise 10% of the project's total cost.)

In a related effort, in 2003 the city and the Fairmount Park Commission put a strategic planning process in motion to determine the future of parks and open space in Philadelphia. The result was the Fairmount Park Strategic Plan, which touches on a number of issues, including increasing sustainable revenue sources and strengthening the role of community partners. It also includes the goal of delivering a balanced and coordinated park system with natural and developed areas that maximizes the uses of park and recreation facilities. Objectives under this goal include expanding the implementation of resource management plans throughout the Fairmount Park System that conserves, restores, and preserves parks, watersheds, and urban ecosystems that maximize the value of the natural resources. It establishes a priority and timeline for strategies related to the plan, including developing a nonnative plant management program and establishing a wildlife management program.

The city is also now creating a comprehensive open space plan, GreenPlan Philadelphia, which will be completed by December 2007. GreenPlan Philadelphia will be a comprehensive plan for management of all existing and future open space in the city, including an inventory of the city's natural resources. The 15-year plan will address funding issues, and preliminary materials note that the city and its partners will actively pursue funding from public and private foundations as well as state and federal agencies.

Portland Metro, Natural Areas Program

The Portland (OR) region is recognized as having one of the most ambitious natural areas programs in the country. Metro is a regional government agency in the greater Portland area that has jurisdiction over three counties and the 25 cities in the Portland metropolitan area. The agency addresses regional issues such as land use planning, solid waste disposal, and regional facilities (Oregon Zoo, the Oregon Convention Center, etc.).

In November 2006, voters in the Metro area passed a $227.4 million bond measure devoted to acquiring and restoring natural areas throughout the region. The bond is expected to enable the acquisition of an additional 3,500 to 4,500 acres. The 2006 bond measure was modeled after a 1995 $135.6 million bond measure with a similar focus, which enabled government agencies to acquire approximately 8,000 acres and fund over 100 local projects. The agency now has approximately 10,000 acres, primarily undeveloped land outside of Portland, with roughly 3,000 in urban areas. Note that for both bonds, the majority of the funding has gone toward the acquisition of land (88% in 1995 and 74% in 2006).

Despite the magnitude of the natural areas program in the region, there is no overarching management plan, although natural resources management plans for individual natural areas have been developed. Because the program has primarily focused on the acquisition of fairly pristine natural areas, it has not devoted as much attention to restoration and management. The broader Metropolitan Greenspaces Master Plan, adopted in 1992, remains the guiding document through which natural areas protection priorities are established.

Appendix D

Prescribed Priority Activities - Coastal Trail Enhancement Projects							
Priority Actions	Total Project Size (acres)	New Trail Construction (meters)	Social Trails (feet)	Tree Removal (acres)	Invasive Plants (acres)	Restoration (acres)	Total Project Costs
1-E. Coastal bluff habitat protection above Pirate's Cove - Invasive plant and tree control, trail tread improvements and erosion control	147	545	4,274	4 ind	13		$347,932.50
2-R. Incipient pampas and harding grass above Pirate's Cove	26.8	1678			4.1		$18,700.00
3-E. Pampas grass control west of Rodeo Valley	20				0.6		$12,900.00
7-E. Sediment and erosion reduction above Big Lagoon - trail improvements	5.6				0		$52,035.41
8-E. Wet meadow habitat enhancement and invasive non-native control in lower Tennessee Valley.	32.9			7 ind. + 1.2 acres	12.6		$55,650.00
15-E. Coastal prairie and scrub habitat protection through removing isolated non-native trees above Coastal drainages	105.4			125 ind + 4.9 acres	0		$58,400.00
17-E. Coastal bluff habitat and visitor access improvements - invasive plant and tree control, visitor use study, social trail removal and appropriate access route developed	70			21 ind + 0.6 acres	5.7		$129,074.00
19 A-E. Incipient harding grass control and improved maintenance practices along Wolf Ridge	13				0.5		$4,000.00
21-E. Pampas grass control west of Rodeo Valley	15.9			est. 10 trees	8.6		$39,130.00
22 A-R. Control incipient pampas grass populations at Point Bonita	128				2.4		$35,150.00
23-E. Mission blue butterfly habitat enhancement - targeted invasive plant and tree removal and social trail closure	116			103 ind + 0.2 acre	1.6		$87,470.00
24-E. Mission blue butterfly habitat enhancement - targeted invasive plant and tree removal and social trail closure	115			152 ind + 0.8 acre	up to 13.1		$362,883.00

Priority Actions	Total Project Size (acres)	New Trail Construc-tion (meters)	Social Trails (feet)	Tree Removal (acres)	Invasive Plants (acres)	Restora-tion (acres)	Total Project Costs
25-E. Mission blue butterfly habitat enhancement - targeted invasive plant and tree removal and social trail closure	52			0.3 acre + 10 ind	1		$30,120.00
26 A-E. Mission blue butterfly habitat enhancement - targeted thoroughwort control	32.9				2.4		$96,000.00
28 A-E. Mission blue butterfly habitat enhancement - targeted thoroughwort control	26.7				5.3		$103,750.00
29-E. Mission blue butterfly habitat enhancement - targeted thoroughwort control	12				3.5		$42,500.00
31-E. Mission blue butterfly habitat enhancement - targeted invasive plant and tree removal and social trail closure	67			25 ind + 0.2 acre	3.8		$79,310.00
35- E. Mission blue butterfly habitat enhancement along Julian Road, and trail erosion control	102	15,217		0.6 acre + 21 ind	7.6		$284,590.00
38-E. Cape Ivy Control and Habitat Improvements within Coastal bluff habitat (combined 38,39,40,41)	9.3			1.88	0		$197,656.00
39-E. Presidio bluffs visitor access control and habitat protection - social trail control and rehabilitation (combined 43,48, 49)	11.3	718	2,872		0.01	0.53	$599,412.31
65-E. Mori Point invasive non-native plant control and endangered species habitat improvements	12.4			up to 85 trees	up to 3		$76,700.00
Subtotal							$2,713,363.22
5% Inflation							$135,668.16
Total							$2,849,031.38

Source: Golden Gate National Park Conservancy, 2007

Appendix E - San Francisco Recreation and Park Department Natural Area Capital Projects

Listing from the Draft Natural Areas Management Plan (February 2006)

Phase I
Balboa Natural Area (Parcel 4)
Glen Canyon Park
India Basin
Lake Merced
McLaren Park,
Pine Lake

Phase II
Bayview Park
Bernal Hill
Buena Vista Oak Woodlands
Edgehill Mountain
Glen Canyon Park Phase II
Grandview Park
Lake Merced Phase II
McLaren Phase II
Mount Davidson
Sharp Park
Twin Peaks

Phase III
Billy Goat Hill
Interior Greenbelt
Oak Woodlands Golden Gate Park

Listing from the Capital Plan – 2005 Annual Update (March 2006)

Phase I
Corona Heights
Glen Canyon Phase I
Lake Merced Phase I
McLaren Park Phase I
McLaren Park Yosemite Marsh
Parcel 4 (also known as the Balboa Natural Area)
Parcel 4 Signage
Pine Lake Park

Phase II
Bayview Hill
Bernal Hill
Buena Vista Oak Woodlands
Edgehill Mountain
Glen Canyon Phase II
Grandview
Lake Merced Phase II
McLaren Phase II
Mt. Davidson
Outside Sharp Park
Twin Peaks

Phase III
Billy Goat Hill
Interior Greenbelt
Oak Woodlands in Golden Gate Park

Listing from the Capital Plan – 2006 Annual Update (March 2007)

Phase I
Balboa Natural Area/Parcel 4 - Natural Areas and Signage
Corona Heights
Glen Park PG - Canyon - NA (Phase I)
India Basin Phase III (wetland restoration) - NA
Lake Merced (Phase I)
McLaren Park
McLaren Park - Yosemite Marsh Renovation
Pine Lake Park

Phase II
Bayview Park
Bernal Heights Park
Buena Vista Park Oak Woodland Rest.
Edgehill Mountain Improvements
Glen Park - Phase II
Grandview Park
Lake Merced - Phase II
Mt Davidson Park
Sharp Park
Twin Peaks

Phase III

Billy Goat Hill
Golden Gate Park - Oakwoodlands
Interior Greenbelt
McLaren Park - Phase II